

# ADDENDUM 1

## Volume 9

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JUN 03 2003  
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1 IN THE CIRCUIT COURT  
2 MADISON COUNTY, TENNESSEE  
3 AT JACKSON, DIVISION I

4  
5 JON HALL,  
6 Petitioner,

7 vs. No. C00-422

8 STATE OF TENNESSEE,  
9 Defendant.

10  
11 HEARING ON POST-CONVICTION  
12 RELIEF PETITION  
13 MAY 15, 2002  
14 VOLUME I OF IV

15  
16  
17  
18  
19  
20 AMY MAYS  
21 OFFICIAL COURT REPORTER  
22 MADISON COUNTY JUSTICE COMPLEX  
23 JACKSON, TENNESSEE 38301  
24 (731) 423-6039

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APPEARANCES

Before the Honorable:

JUDGE ROY B. MORGAN, JR.

For the Petitioner:

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-and-

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1 THE COURT: We're ready for Mr.  
2 Hall's matter. Just preliminarily a  
3 couple of comments I want to make and see  
4 if I've thought out something in the past  
5 accurately.

6 This is Docket Number C00-422,  
7 matter of Jon Hall vs. State of Tennessee.  
8 It's a post-conviction matter.

9 I want to back up to last week and  
10 see where I stand on something because  
11 maybe I was confused. I want to find out  
12 today. I understand from counsel for Mr.  
13 Hall, Mr. Buchanan, as a result of last  
14 Friday's phone call initiated by Mr. Ellis  
15 that there's certain expert testimony  
16 that's not ready yet because there's not  
17 been an examination conducted. Is that  
18 right?

19 MR. BUCHANAN: Yes, sir.

20 THE COURT: And the reason was  
21 because of delay in getting orders back  
22 from AOC. That's why an examination was  
23 not done.

24 MR. BUCHANAN: That's part of the

1 reason, yes, sir.

2 THE COURT: And as a result of that  
3 and the phone call last week, you were  
4 calling me to let me know that but also  
5 the very afternoon, Friday afternoon, last  
6 Friday, you were going to contact the AOC  
7 to get a copy of the order which you  
8 needed to get the doctor to proceed on  
9 with the examination. Correct?

10 MR. BUCHANAN: Yes, sir.

11 THE COURT: And that was Dr. --

12 MR. BUCHANAN: Pam Auble.

13 THE COURT: Now, I followed up  
14 because I wanted to know. I could not  
15 recall during the phone conversation,  
16 because I didn't know it was going to  
17 occur ahead of time, when orders were  
18 signed, but the way I understand it, Pam  
19 Auble's order, which also included Dr.  
20 Caruso, was signed by me on March the 13th  
21 of this year.

22 MR. BUCHANAN: Yes, sir.

23 THE COURT: And for Pam Auble it  
24 was a sum less than \$5,000. Correct?

1 MR. BUCHANAN: Yes, sir.

2 THE COURT: Now, further proof was  
3 not necessary for her to get paid in that  
4 case. Right?

5 MR. BUCHANAN: That's not true  
6 anymore, Your Honor. That used to be the  
7 case, but now they all have to go to the  
8 Supreme Court, they all have to go to the  
9 Chief Justice of the Supreme Court,  
10 according to Holly Kirkum.

11 THE COURT: I didn't realize that.  
12 I thought that amount was automatic once I  
13 signed it because of the sum of money  
14 involved.

15 MR. BUCHANAN: Used to be.

16 THE COURT: But Ms. Kirkum has told  
17 you different.

18 MR. BUCHANAN: Yes, sir.

19 THE COURT: So you had to wait then  
20 on an order by the Supreme Court.

21 MR. BUCHANAN: Yes, sir.

22 THE COURT: Now, the order you were  
23 going to get Friday I thought was an order  
24 that was just being signed if it was

1 ready. But is it true that the order you  
2 were getting Friday is an order that I  
3 actually had previously approved in March  
4 but was approved by the Supreme Court and  
5 you got a copy faxed, to co-counsel at  
6 least, on April the 18th?

7 MR. BUCHANAN: There was a copy  
8 faxed to Mr. Ellis on the 18th.

9 THE COURT: Why didn't you just use  
10 that to follow up and get things started?

11 MR. BUCHANAN: I did not know we  
12 had that. Mr. Ellis says that he had  
13 turned around and faxed it to Dr. Auble.  
14 Dr. Auble claims she doesn't have it,  
15 didn't have it. And I've run all this  
16 down since Friday. She has it now. She  
17 has it as of yesterday.

18 THE COURT: Mr. Ellis, update me on  
19 that.

20 MR. ELLIS: Your Honor, I did not  
21 fax it to Dr. Auble. I immediately put it  
22 in the mail to Mr. Buchanan. I don't know  
23 if it got lost in the mail, but ...

24 THE COURT: You didn't get it back.



1 MR. ELLIS: I didn't get it back.

2 THE COURT: But you immediately --  
3 When you say "immediately", you mailed it  
4 that very day?

5 MR. ELLIS: That day or the very  
6 next day, Your Honor. And I don't have a  
7 copy of it. I didn't keep a copy. I  
8 should have.

9 THE COURT: I understand.

10 Mr. Buchanan, what do you say? He  
11 says he mailed it to you.

12 MR. BUCHANAN: Your Honor, I don't  
13 have it, but -- you know, if he did, I  
14 didn't get it, but if I had gotten it,  
15 say, about the 23rd of April, she would  
16 have gotten it about the 26th or '7th, and  
17 she would still be, as far as assigning  
18 him a place in her docket book, about the  
19 same time she is now.

20 THE COURT: My concern was, you  
21 didn't have that order. You were telling  
22 me you called AOC, and I found out later  
23 the order was, in fact, signed April the  
24 18th. It was faxed to you. And this is

1 where I want to clear up that confusion.  
2 I like to know where I stand with people  
3 and when they tell me something, that it  
4 be accurate and truthful..

5 MR. BUCHANAN: I think it was  
6 signed April 14th, Judge, as a matter of  
7 fact.

8 THE COURT: And you're telling me  
9 now that Ms. Kirkum told you that no  
10 longer was it automatically approved if  
11 the sum was \$5,000, that you had to still  
12 get a Supreme Court order.

13 MR. BUCHANAN: Yes, sir.

14 THE COURT: When did she tell you  
15 that?

16 MR. BUCHANAN: January.

17 THE COURT: Of this year?

18 MR. BUCHANAN: Yes, sir.

19 THE COURT: In person or by phone  
20 call?

21 MR. BUCHANAN: By phone.

22 THE COURT: And when the March 13th  
23 order was signed by me, she didn't call  
24 you and tell you anything different about

1 it being automatically approved as to Dr.  
2 Auble?

3 MR. BUCHANAN: No, sir. Has it  
4 changed?

5 THE COURT: I'm just asking you  
6 what she told you or didn't tell you based  
7 on what you've told me.

8 MR. BUCHANAN: It used to be that  
9 up to 5,000 you didn't have to get it  
10 approved. I've had that direct experience  
11 with Ms. Higuera on another case.

12 THE COURT: And so the only one  
13 we're waiting on now is Dr. Auble.

14 MR. BUCHANAN: We're waiting on Dr.  
15 Auble, and I had an affidavit from Dr.  
16 Caruso. We need a serotonin test. I'm a  
17 little hesitant to talk about this in  
18 front of Mr. Earls, but I suppose it's not  
19 really going to hurt anything.

20 THE COURT: Well I thought you said  
21 Friday that you had no problem with it.  
22 He wasn't in the phone conversation  
23 Friday, it was ex parte, and you had no  
24 problem talking to him.

1 MR. BUCHANAN: Right.

2 THE COURT: So I'm just relying on  
3 what you told me.

4 MR. BUCHANAN: No, I understand,  
5 Judge. I just want to make the record to  
6 make sure that I understand what I'm doing  
7 here.

8 THE COURT: If you need Mr. Earls  
9 to step out, if we need to do this in  
10 chambers, now is the time to change your  
11 mind from last Friday's conversations.

12 MR. BUCHANAN: No. No, that's  
13 okay. I don't have any problem with  
14 telling him that we -- because I know that  
15 I have Dr. Caruso to come and testify at  
16 least just to the mitigation part of the  
17 trial, the punishment phase. He has to  
18 complete -- Pam Auble has to complete her  
19 work, and a Dr. Solomon, who I found, has  
20 to complete his work on the serotonin  
21 levels before he can testify as to the  
22 intermittent explosive disorder. That's  
23 where we're at.

24 THE COURT: What's the status of

1 Dr. Auble as far as appointments,  
2 scheduling?

3 MR. BUCHANAN: July 31st.

4 THE COURT: She couldn't do any  
5 better than that scheduling?

6 MR. BUCHANAN: Judge, I begged. I  
7 sent e-mails saying, please, if there's  
8 any way. The one thing she did tell me is  
9 that if there was a cancellation in her  
10 schedule, that she might be able to shove  
11 it up before that. She could only  
12 guarantee July 31st. She said it takes  
13 about two weeks to do all of her work, and  
14 she also said that she was now turning  
15 down work; she wasn't scheduling anything  
16 anymore.

17 THE COURT: So based on the July  
18 31st date, you're saying that although we  
19 might proceed for three days here, that  
20 the final hearing would have to occur  
21 sometime after the middle of August.

22 MR. BUCHANAN: Yes, sir.

23 THE COURT: And the main reason is  
24 going to be the scenario with the experts.

1 MR. BUCHANAN: Yes, sir.

2 THE COURT: But now you have made  
3 yourself available for Friday, I  
4 understand, of this week.

5 MR. BUCHANAN: Yes, sir.

6 THE COURT: One other thing. When  
7 I schedule something -- I don't know how  
8 other judges do it. I just always assume  
9 they do it the same. When I schedule  
10 something for May 15, my experience has  
11 been there's no guarantee something's  
12 going to finish on one day. You  
13 understand that.

14 MR. BUCHANAN: Yes, sir.

15 THE COURT: And you're well aware  
16 that this case -- since you're the one  
17 that's representing the Petitioner, would  
18 not finish this case in one day or maybe  
19 two days or maybe even three days.

20 MR. BUCHANAN: Well, I think I told  
21 the Court a week would probably be the  
22 neighborhood of what it would take.

23 THE COURT: So you've taken care of  
24 the air ticket that you had for Friday.

1 MR. BUCHANAN: Oh, yes, sir. That  
2 never was a big problem. I threw it out  
3 to the Court to let you know because Mr.  
4 Ellis and I both were under the impression  
5 that -- Well, actually when I left here I  
6 thought it was one day but it became two  
7 quickly, but I have never had any problem  
8 with the Court telling me, "My Friday is  
9 free. Let's go three." I mean, that's --  
10 every time I schedule a ticket for an  
11 airline -- This is not the first time this  
12 has happened, Judge, and it never upsets  
13 me. We've got to move -- We've got to  
14 move the docket along. I understand that.

15 THE COURT: Mr. Ellis, thanks for  
16 clearing up that you mailed that order to  
17 Mr. Buchanan instead of faxing it to Dr.  
18 Auble. I appreciate that.

19 MR. ELLIS: Well, Your Honor, I  
20 think through the whole course that's what  
21 we said. I think even on the phone  
22 conversation Friday, that's what I said.

23 THE COURT: Well I don't question  
24 what you said. I just wanted to clear it

1 up because it was in conflict with what he  
2 was saying. That's why I appreciate you  
3 speaking up to clear it up today.

4 MR. ELLIS: Well, again, I think  
5 Mr. Buchanan just -- he's known that all  
6 along and he's said that all along. This  
7 is just --

8 THE COURT: Said it different  
9 today.

10 MR. ELLIS: Exactly, and I don't  
11 think it was intentional at all. I think  
12 it's just a matter of -- I mean, we've got  
13 -- we've been staying -- we stayed up 'til  
14 midnight last night getting ready for this  
15 thing. Basically it was inadvertent.

16 MR. BUCHANAN: Well, Judge, Friday  
17 I knew I didn't have it. I mean, I think,  
18 you know, it's clear I had not seen it and  
19 was not under the impression it was even  
20 finished. The lag time had been about six  
21 weeks. This one came back in just about  
22 four.

23 THE COURT: I guess, too, the phone  
24 call Friday to me between you and Mr.



1 Ellis was the result of me running into  
2 Mr. Ellis, and I appreciate him getting on  
3 that call, but all along, this is Friday  
4 before we started a hearing of this nature  
5 which is a very important hearing to all  
6 involved in this courtroom. I was well  
7 available long before Friday afternoon to  
8 discuss problems or potential problems  
9 with this case and expert testimony and  
10 delay of the case in the future, and that  
11 phone call wouldn't even have taken place  
12 Friday afternoon except for Mr. Ellis  
13 initiating the call after talking to me.  
14 We've had discussions, if you'll read  
15 transcripts, where I made it very clear I  
16 was available if you needed me, if there  
17 were problems I wanted to know, and the  
18 scheduling of these experts on behalf of  
19 the Petitioner was very important and we  
20 had to stay on schedule, and I got a call  
21 Friday afternoon before this hearing today  
22 of something causing a delay of this  
23 nature, sometime now after July 31st.  
24 Enough said, gentlemen. We're

1 ready to proceed with the petition itself.  
2 I have reviewed the file. We're not  
3 dealing with a jury here. I feel like  
4 we're ready to proceed with the proof.

5 MR. ELLIS: Your Honor, before we  
6 begin, I'm going to make an objection on  
7 the record.

8 Your Honor, throughout the course  
9 of this proceeding, Mr. Hall is objecting  
10 to the Court having venue, that this Court  
11 -- that these proceedings going back from  
12 the trial setting to now taking place in  
13 Madison County.

14 If you'll look at Criminal Rule of  
15 Procedure, Criminal Procedure Number 21, I  
16 believe the rule states that there are two  
17 ways to have a change of venue; one is by  
18 petition of the -- upon the motion of the  
19 Defendant, or, two, by the Court's own sua  
20 sponte motion with the Defendant's  
21 consent.

22 Having perused the file, Your  
23 Honor, I do see that there is a motion to  
24 change venue from counsel that was filed,

1 which I think the proof will show, against  
2 the Defendant's wishes. He did not wish  
3 to have his case moved from where it took  
4 place to Madison County.

5 Second, Your Honor, if you'll look  
6 at Section F of the rule, "If a change of  
7 venue is ordered, the clerk shall make out  
8 a full and complete transcript of the  
9 record and the proceedings in this cause  
10 and transmit the same, together with the  
11 indictment and all other papers on file,  
12 to the clerk of the receiving court, which  
13 transcript shall be entered on the minutes  
14 of the receiving court."

15 Your Honor, I -- this is an  
16 extensive and vast record. From what I'm  
17 going through, I do not see a transcript  
18 of the change of venue motion. So that  
19 section has not been complied with, and as  
20 I am almost -- well, no, I am positive  
21 that if that were the case and if there  
22 was a hearing held, Mr. Hall would be  
23 standing up screaming, "I don't want to  
24 move it." And, Your Honor, we're going to

1 argue that this Court doesn't have  
2 jurisdiction, that the trial court that  
3 conducted the trial didn't have  
4 jurisdiction, and as you know -- excuse  
5 me, venue. Venue and jurisdiction go hand  
6 in hand. They are both synonymous with  
7 power. If a court does not have power to  
8 act, then a court cannot rule and its  
9 rulings are void, and, therefore, we ask  
10 that this verdict be set aside and a new  
11 trial be scheduled.

12 THE COURT: General?

13 MR. EARLS: I think the record  
14 shows the Defendant filed a motion for  
15 change of venue and it was granted. I  
16 think the Court has jurisdiction. As far  
17 as the district, based upon his own  
18 motion, it just moved counties, selected a  
19 jury in Madison County rather than  
20 Henderson County. I'd ask that that  
21 objection be overruled.

22 THE COURT: That would have been a  
23 matter addressed on appeal, would it not,  
24 during the regular course of appeal?

1 MR. EARLS: Yes, sir, it should  
2 have been.

3 MR. ELLIS: Your Honor, I think he  
4 has preserved that issue for appeal all  
5 the way through.

6 THE PETITIONER: Your Honor, I  
7 would like a chance to talk.

8 THE COURT: Well now, I can't keep  
9 going around including the Petitioner as  
10 well as counsel. So counsel -- You can  
11 talk to your lawyer if you need to talk to  
12 your lawyer, but you've got two lawyers  
13 there, and we'll go through them in these  
14 proceedings. If you want to take a minute  
15 and talk to Mr. Ellis you can.

16 THE PETITIONER: According to  
17 Article I, Section 9, I have a right to be  
18 heard.

19 THE COURT: If you want to talk to  
20 Mr. Ellis you can.

21 THE PETITIONER: I remember I  
22 objected to having counsel appointed on  
23 March 23rd, 2001, and you appointed  
24 counsel for me anyhow. So I consider them

1 elbow counsel, so I think I have a right  
2 to be heard.

3 THE COURT: Mr. Hall, if you want  
4 to talk to Mr. Ellis or Mr. Buchanan, you  
5 can. Otherwise, I'm going to move on.

6 THE PETITIONER: Are you going to  
7 violate my civil rights to be heard?

8 THE COURT: Mr. Hall, I'll let you  
9 talk to your attorneys if you want to talk  
10 to them.

11 THE PETITIONER: Are you a de facto  
12 judge? Is your oath of office current?

13 THE COURT: Mr. Hall, I ask you to  
14 be quiet at this time.

15 Gentlemen, under the circumstances,  
16 the venue question --

17 THE PETITIONER: I ask that you  
18 recuse yourself.

19 THE COURT: Have him removed from  
20 the courtroom. I'm not going to start it  
21 out this way. This is not a jury trial.  
22 If we have to conduct it without Mr. Hall  
23 --

24 THE PETITIONER: You don't even

1 have jurisdiction over me, and I got a lot  
2 more proof --

3 THE COURT: Have him removed.

4 THE PETITIONER: -- pursuant to  
5 Tennessee Rules of Evidence 201 and 202,  
6 you got notice of the law and the facts.

7 THE COURT: I'm disappointed so  
8 early in the proceedings that we're having  
9 such difficulty, but this is not a jury  
10 trial, and we all have a job to do, and I  
11 cannot tolerate nor will we make any  
12 progress if the Petitioner in this case is  
13 going to continue to act in such a nature.  
14 So, at this time, gentlemen, we're going  
15 to proceed on.

16 As to the venue question, there is  
17 a difference in venue and jurisdiction,  
18 but I agree with counsel, that either one  
19 can cause some problems as to whether or  
20 not the Court can handle the case.

21 For purposes of this proceeding  
22 today, I'm going to deny the request that  
23 Mr. Ellis has made on behalf of the  
24 Petitioner, and we're going to proceed on.

1 The venue issue is something I assume was  
2 addressed at another point in time by  
3 other courts, but it's not proper for  
4 purposes of this proceeding in that I find  
5 I do have venue to handle -- and  
6 jurisdiction to handle the post-  
7 conviction.

8 Go ahead, Mr. Buchanan.

9 MR. BUCHANAN: Judge, just to try  
10 to clear up a couple of preliminary  
11 matters, is there any piping of any oral  
12 -- of what goes on here to where the  
13 Defendant is now?

14 THE COURT: I don't have anything.  
15 If you want to talk to your client very  
16 briefly and if he will calm down, you know  
17 he's welcome to come back in this  
18 courtroom. That's up to you.

19 MR. ELLIS: I'd ask the Court for a  
20 five-minute recess.

21 THE COURT: Five minutes, okay.

22 MR. BUCHANAN: Well, if you'll let  
23 Mr. Ellis go do that, I'd like to address  
24 just a couple of things so we can move



1 along here.

2 THE COURT: Certainly.

3 MR. BUCHANAN: Judge, I want the  
4 Court to know this so -- I really feel bad  
5 about a couple of things, and I want the  
6 Court to know this. I swear on a stack of  
7 Bibles that when I left here, I thought we  
8 had a one- or two-day hearing, and I  
9 thought -- and I really thought, and Mr.  
10 Ellis did, too, that we had a -- that we  
11 had two days scheduled for us for sure,  
12 and I think Mr. Ellis made that clear to  
13 you on Friday, that he thought it was just  
14 two days. The reason that I did not  
15 contact the Court as opposed to -- I want  
16 you to understand how I'm trying to work  
17 with this Court. You had told me, "If you  
18 have any problems, Mr. Buchanan, get with  
19 me ahead of time." I have two days of  
20 testimony, and I saw no reason to not take  
21 full advantage of it and move along what  
22 we could, and by the time you question the  
23 lawyers and put on some of these other  
24 witnesses, I didn't see how that wouldn't,

1 and I was ready for them, even in spite of  
2 the fact that the psychiatrist is not  
3 through with his work, and that's why I  
4 didn't contact the Court. I wasn't trying  
5 to spring any last minute thing. I just  
6 assumed we had two days set aside and that  
7 we would be adjourning to some extent and  
8 re-evaluating when things would be  
9 finished. That's the only reason I didn't  
10 contact the Court. I didn't see any need  
11 for a continuance. I thought, if the  
12 Court needs two days of testimony, we're  
13 going to give it to him, and that's -- and  
14 when you moved it to three, we redoubled  
15 our efforts and got together everything  
16 that we think we can to make it three.  
17 So, I just want the Court to know, I know  
18 you want to move this case.

19 THE COURT: I think I have a duty  
20 to move it.

21 MR. BUCHANAN: Absolutely.

22 THE COURT: I know I have a duty to  
23 move it.

24 MR. BUCHANAN: Absolutely you do.

1           THE COURT: We've talked about this  
2 enough I think. We've made clear where we  
3 all stand and we're ready to proceed. I  
4 don't need three days of stuff you don't  
5 need to put on. If I take three days,  
6 it's because we can utilize what you're  
7 putting on to make a fair decision on  
8 post-conviction. So, do what you can do  
9 with three days, just know we're available  
10 for three days obviously, and I know now  
11 that we're looking at sometime after July  
12 31st as far as experts.

13           MR. BUCHANAN: And I'm sorry I  
14 didn't tell the Court that, but I left  
15 here with the impression that the Court  
16 knew it would be about a week probably for  
17 total, but you had set aside two days and  
18 we would get started at that point.

19           THE COURT: I start a lot of cases  
20 and then go on for some time beyond the  
21 day it was set for. That's just the way  
22 it works. That's been the way I've had it  
23 for 20-something years, practicing law and  
24 on the bench. It's just that way.

1 MR. BUCHANAN: Okay.

2 THE COURT: And it's always up to  
3 checking with the Court to determine  
4 whether we're going to stop prematurely  
5 from a final result. So, enough said on  
6 it. We need to move on to the merits of  
7 the petition itself.

8 MR. BUCHANAN: Yes, sir.

9 MR. ELLIS: Very briefly, Your  
10 Honor. Mr. Hall would like to come back  
11 into the courtroom. He has asked that he  
12 can show me something from his file  
13 records to argue in addition on his motion  
14 against the venue. Your Honor, I believe  
15 if he is allowed to do that, I think I  
16 have his agreement that he will conduct  
17 himself accordingly during the hearing.  
18 So we're going to ask that Mr. Hall be  
19 allowed to be brought back in, and if I  
20 could just briefly revisit what he wants  
21 to be argued.

22 THE COURT: On venue?

23 MR. ELLIS: On venue, Your Honor.  
24 I know you've already ruled, but I would

1 ask that you reconsider just ...

2 THE COURT: Let him step in.

3 MR. ELLIS: Thank you, Your Honor.

4 THE COURT: And I want to give him  
5 one comment as he comes back in.

6 Mr. Hall, if your disruptive  
7 behavior continues, then you waive your  
8 right to be present in this courtroom.

9 THE PETITIONER: My rights have  
10 been violated.

11 THE COURT: Let me finish. I just  
12 want to make that very clear. Disruptive  
13 behavior continuing will waive your right  
14 to be present in this courtroom. You can  
15 return as you have now if you're willing  
16 to cooperate and behave in a proper manner  
17 in the courtroom. Now Mr. Ellis has been  
18 kind enough on your behalf to talk with  
19 you, and that's why you're back in here.

20 Enough said, and, Mr. Ellis, you  
21 may continue.

22 MR. ELLIS: I just want to pass --  
23 if you'll look in the trial book, there is  
24 an affidavit in support -- filed on

1 November 1st, 2001 to support the argument  
2 that this Court has lost jurisdiction  
3 because it has failed to afford the  
4 Defendant due process rights. Mr. Hall  
5 would like us to argue that under Article  
6 1, Section 9 in the Tennessee  
7 Constitution, it grants that in all  
8 criminal prosecutions, that the defendant  
9 has a right to be heard by himself and his  
10 counsel to demand the nature and  
11 accusations against him, to have a copy of  
12 it -- therefore, to meet the witnesses  
13 face to face, to have a compulsory process  
14 for obtaining witnesses in his favor, to  
15 have an impartial jury trial in the county  
16 in which the trial has been committed, and  
17 that he had asked his counsel not to file  
18 a motion to change venue, that he wanted  
19 to have his case heard in the county in  
20 which this crime was alleged to have been  
21 committed; that these attorneys through  
22 their actions violated his wishes,  
23 therefore, violating the constitution;  
24 that as agents of the State, through being

1 appointed through the Public Defender's  
2 office and as counsel, that they were  
3 acting on behalf of the State and that  
4 under Article I, Section 9, his due  
5 process rights were violated.

6 Your Honor, he has got several  
7 cases that he would like me to present to  
8 the Court. I will not forward you copies  
9 of them; I will just give you the cites.  
10 Your Honor, I have not had a chance to  
11 check these to see if these are updated  
12 law, and I have not had a chance to  
13 Shepardize them.

14 First one is 101 US 494, Baker v.  
15 Humphrey. The next one, Your Honor, is  
16 Weakly ex rel. Usery v. Pierce. That's 52  
17 Tenn 401. Tennessee ex rel. Anglin v.  
18 Mitchell, 575 S.W.2d 284, Tennessee v.  
19 Eaves, 959 S.W.2d 601, State of Tennessee  
20 v. Upchurch, 620 S.W.2d 540, Tennessee v.  
21 Ellis, 953 S.W.2d 216, Tennessee v. Muse,  
22 967 S.W.2d 764, Hull v. Cunningham, 133 US  
23 107, Kentucky v. Stinsor, 107 S. Ct.  
24 2685(a), Jones v. Zerbst, 304 US 458, and

1 he also cites his own case, State v. Jon  
2 Hall, 8 S.W.3d 593.

3 Your Honor, I'd also point you to  
4 Mr. Hall's appendix that was filed on  
5 November 1st, 2001, to Page 37 for his  
6 argument.

7 THE COURT: I reviewed that  
8 appendix just this week.

9 General, comment further?

10 MR. EARLS: I think the Court's  
11 already properly ruled, Your Honor.

12 THE COURT: I'll stand on my ruling  
13 for the reasons previously stated, but I  
14 appreciate counsel's argument.

15 Now are we ready to proceed?

16 MR. BUCHANAN: Just a couple of  
17 matters, preliminary matters.

18 I'd like the witnesses placed under  
19 the rule.

20 THE COURT: The rule is going to be  
21 called for. That means all witnesses to  
22 this proceeding will have to remain  
23 outside. You'll be called as you're  
24 needed to testify, and you're instructed



1 not to discuss your testimony with those  
2 going and coming from the courtroom.  
3 That's the purpose of the rule. So all  
4 witnesses must be excused at this time and  
5 remain outside.

6 MR. BUCHANAN: Another preliminary  
7 thing, I think Mr. Earls and I have agreed  
8 that a copy of the transcript as typed for  
9 the purposes of appeal should be placed in  
10 the record at this time. I believe he's  
11 taken care of that.

12 Have you not, Mr. Earls?

13 MR. EARLS: Yes, sir.

14 MR. BUCHANAN: And I certainly  
15 concur with him, no objection to it, and  
16 would ask that it be placed into the  
17 record at this time.

18 THE COURT: That's the trial  
19 transcript?

20 MR. BUCHANAN: Yes, sir.

21 THE COURT: If y'all agree, that  
22 can be marked Exhibit 1. By agreement  
23 then the trial transcript will be passed  
24 up, and give the court reporter time to

1 mark it Exhibit 1.

2 (Exhibit 1 was marked  
3 and entered.)

4 THE COURT: Go ahead.

5 MR. BUCHANAN: Your Honor, if I  
6 might, these are a little bit more  
7 informal that obviously when a jury is  
8 here. May I inquire of the Court exactly  
9 where the Court is in its study of this  
10 record? And the only reason I ask that is  
11 because, if the Court's read the  
12 transcript, that would change some of the  
13 way I conduct this proceeding. If the  
14 Court hasn't read the transcript, then it  
15 would change a few things.

16 THE COURT: If you want to make  
17 reference to the transcript, at any time  
18 you make reference to it. You've got to  
19 do your job. I am somewhat familiar with  
20 the case. I assume I'll be a lot more  
21 familiar by the time you conclude, but you  
22 proceed how you feel like you need to  
23 proceed in representing Mr. Hall.

24 MR. BUCHANAN: Would the Court mind

1 telling me, has the Court read this  
2 transcript?

3 THE COURT: I have looked at  
4 portions of the transcript. I have looked  
5 at a lot of things in their entirety but  
6 portions of the transcript. Now, whether  
7 I've looked at something you --

8 MR. BUCHANAN: Yes, sir.

9 THE COURT: -- and would recall it,  
10 you still might need to refresh my  
11 recollection. You do what you feel like  
12 you need to do. I'm obviously going to  
13 have additional time after this week to  
14 look at other things, sometime between now  
15 and July 31st I take it.

16 MR. BUCHANAN: Your Honor, may I  
17 make a brief opening statement then?

18 THE COURT: I don't see the purpose  
19 in that unless you feel like there's --  
20 Tell me why an opening statement would be  
21 necessary at this point. I've reviewed --  
22 Do you feel like you need to because of  
23 the transcript question?

24 MR. BUCHANAN: No, sir. I thought

1 I would like to tell you where we're  
2 headed, but if the Court feels we don't  
3 need to make one, then that's fine with  
4 me, too.

5 THE COURT: I've reviewed your  
6 pleadings which I feel like give me a  
7 pretty good idea of where you're headed.  
8 Let's go ahead and proceed unless there's  
9 something else preliminarily.

10 MR. BUCHANAN: All right. Then  
11 I'll --

12 MR. ELLIS: Your Honor, I don't  
13 mean to interrupt, but I would like to  
14 know if we could unshackle Mr. Hall's  
15 hands so that he can write and communicate  
16 with us.

17 THE COURT: That's up to security.

18 COURT OFFICER: No, sir, that is  
19 against policy and procedure.

20 THE COURT: Go ahead.

21 MR. BUCHANAN: Then I'd call Debbie  
22 Davis to the stand, Your Honor.

23 DEBBIE DAVIS was called and being  
24 first duly sworn, was examined and

1 testified as follows:

2 DIRECT EXAMINATION

3 BY MR. BUCHANAN:

4 Q Would you state your name for the  
5 record, please?

6 A My name is Debbie Davis.

7 Q And, Ms. Davis, where do you live?

8 A I live in Farmington, Connecticut.

9 Q And what is your relationship to  
10 Jon Hall?

11 A I'm his sister.

12 Q And are you the same Debbie Davis  
13 that testified previously in this case in  
14 the trial, in the punishment phase of that  
15 trial, in Volume IV, Pages 415 to 426?

16 A Yes, I am.

17 Q Approximately some 11 pages.

18 A I -- Yes, I guess.

19 Q Ms. Davis, were you called at the  
20 guilt or innocence phase of that trial?

21 A No, I was not.

22 Q And I wanted to ask you. You're  
23 one of how many brothers and sisters and  
24 siblings of Jon Hall?

1 A I'm one of seven children, and I'm  
2 the next to the oldest, Jon being the  
3 youngest.

4 Q And were you raised with him?

5 A Yes. Yes and no. We had such a  
6 large family that my grandparents lived  
7 right beside my parents. So, it was  
8 connected by a sidewalk. So we were  
9 together and would eat meals sometimes,  
10 but I slept at my grandparents' house. I  
11 stayed at my grandparents' house.

12 Q Ms. Davis, were you ever -- in the  
13 time between July of 1994 and February of  
14 1997, were you ever contacted by any  
15 counsel representing Jon Hall? Save and  
16 except the night before you were put on at  
17 the punishment phase --

18 A No, I was not.

19 Q -- by telephone.

20 A No, I was not.

21 Q Did you have information that would  
22 have gone to the punishment phase as well  
23 as the guilt or innocence phase concerning  
24 Jon?

1 A I certainly would have thought so,  
2 yes.

3 Q Do you know of any reason why you  
4 could not have been contacted and had this  
5 information extracted from you during that  
6 time?

7 A No.

8 Q Now, where did you live back in  
9 1994 through 1997?

10 A In Connecticut.

11 Q Had Jon lived with you?

12 A He lived with me in North Carolina.

13 I lived in North Carolina. I taught  
14 school for 13 years and owned a restaurant  
15 in Fayetteville, North Carolina. I think  
16 that was from 1976 to 1990.

17 Q 1990 what?

18 A 1976 to 1990 I lived in  
19 Fayetteville, North Carolina.

20 Q In what periods of time did Jon  
21 talk to you -- I mean, live with you?

22 A I'm not exactly sure of the years.  
23 He came down I know -- I guess it was -- I  
24 have to think about this. We left about

1 the same time. I left a little after him  
2 to go to -- So, I'd say it went '84  
3 through '87 or somewhere in that time  
4 frame.

5 Q Were you there when Jon met Billie?

6 A Yes, I was.

7 Q And Jon met Billie where?

8 A Jon was staying with me, but he  
9 started dating this girl named Hope at an  
10 apartment complex, and Billie was this  
11 girl's next door neighbor, and I thought  
12 he was dating Hope, but, in fact, he  
13 somehow got hooked up with Billie, and  
14 somehow they got together, and that's  
15 where he met her, I believe over at that  
16 apartment complex.

17 Q And this was about when?

18 A Are you asking me for dates?

19 Q Just roughly.

20 A In that same time period. I'll be  
21 honest. I'm not really sure. I -- '84,  
22 '85, somewhere in there, '86. I think  
23 it's in that time frame.

24 Q Have you had occasion to see Jon



1 and Billie intereact [sic] with each  
2 other?

3 A Sure, lots of times.

4 Q Have you ever seen Billie be  
5 abusive to Jon or use physical force and  
6 violence against him?

7 A Yes, I have.

8 Q And how many occasions?

9 A Just -- Their relationship was kind  
10 of funny. I can tell you one instance  
11 where they were in the driveway. Jon was  
12 working on our van. Billie came over to  
13 the house. The kids were already with Jon  
14 at my house, and Jon was working on the  
15 van. Billie came over. She was upset  
16 about -- I don't know whether he had the  
17 wrong car or what was going on. But  
18 anyway, I saw her get out of the car. I  
19 was in the house. And she was angry about  
20 something. I've seen her -- then she  
21 started like kicking at him at his groin  
22 area, and then he just kind of like pushed  
23 her away and was turning around and then  
24 she would go after him, hitting --

1           MR. EARLS: I'm going to object to  
2 this evidence. I don't see what this has  
3 to do with anything in a post-conviction  
4 petition.

5           MR. BUCHANAN: Your Honor, it has  
6 to do with adequate investigation. That's  
7 why I'd asked for an opening statement.  
8 Adequate investigation, determining issues  
9 that were available to them at the time of  
10 trial. In a murder case, the relations  
11 between the parties are all relevant. In  
12 this particular trial, this case was left  
13 with the State producing the testimony  
14 that there was phone lines disconnected  
15 and that this woman was beaten severely to  
16 death. There appeared, by the testimony  
17 of Dr. Zager, that these attorneys were  
18 trying to shoot for the lesser included  
19 offense of voluntary manslaughter. There  
20 are several problems with that, and I  
21 think Mr. Woodall even said it in the  
22 record, he alluded to it, he said, you  
23 know, "You can put it in there, Judge. I  
24 don't know if there's any evidence of it."

1 They did put Dr. Zager on that attempted,  
2 it looked like, to see where they were  
3 going. My point in bringing her up is to  
4 show that had they interviewed her, which  
5 my position would be a minimum of people  
6 that you would interview would be the  
7 immediate family members, they would have  
8 found that, in fact, instead of painting  
9 the picture that Billie was the poor  
10 innocent person, that, in fact, there was  
11 evidence that she was violent toward Jon  
12 as he was to her.

13 THE COURT: I did some advance  
14 thinking about this as I reviewed your  
15 pleadings, and I agree with you to some  
16 extent because this is the situation where  
17 the State would normally be right, if  
18 they're trying to exclude testimony being  
19 offered to controvert facts or events  
20 which brought about the original  
21 conviction, but you're trying to offer  
22 this testimony I find to show that there  
23 was available to the attorneys, that you  
24 are accusing of being ineffective, that

1 could have been brought forward for  
2 purposes of a defense. And I say  
3 "defense", something lesser possibly than  
4 what he was convicted of. So I'm going to  
5 let you proceed at this point based on  
6 that logic.

7 And, General, you understand the  
8 basis of my ruling.

9 MR. EARLS: Yes, sir.

10 THE COURT: Go ahead, Mr. Buchanan.

11 A So whenever he was putting her in a  
12 headlock, I came out of the house and  
13 said, "What are you guys doing," and then  
14 they just pretended they were horsing  
15 around. So, it was like they didn't  
16 exactly want you to know that they were  
17 fighting or arguing. That was just the  
18 nature of their relationship. They did  
19 that kind of stuff all the time. And on  
20 occasions I would see her kick -- go try  
21 to kick him in the groin or -- They just  
22 were like that.

23 Q Have you ever witnessed her -- I'm  
24 going to use a southern term -- pick at

1 him, that is, try to run him down and  
2 belittle him and things of that nature?

3 MR. EARLS: Object to leading, Your  
4 Honor.

5 THE COURT: Objection sustained.

6 Q Would you state whether or not  
7 you've seen occasions such as that?

8 A Billie and Jon's relationship was a  
9 little bit different. Billie -- Jon  
10 always felt that Billie was much smarter  
11 than himself, so Billie was always in  
12 charge of everything. Billie was in  
13 charge of all the bills. Everything was  
14 always in Billie's name. Jon handed  
15 Billie his paycheck. She did everything.  
16 If they were working and he was getting  
17 too many hours that would affect his  
18 Social Security or whatever, anything like  
19 that, Jon wouldn't go to work, but Billie  
20 was in charge. Billie wanted -- She was  
21 very proud of her education. She was very  
22 proud of going to school to be an EMT.  
23 Those were the things -- And that was her  
24 goal, and that's the goal she was going

1 after, but Jon was the one that stayed and  
2 took care of the kids. Jon is the one  
3 that -- at least in North Carolina. I  
4 don't know about in Tennessee.

5 Q Okay.

6 A But, yes, she did put Jon down.  
7 She would tell him he was stupid, yes.

8 Q Did the attorneys -- Well the  
9 attorneys never talked to you before they  
10 put you on. Did they --

11 A No, they did not.

12 Q When they did talk to you the night  
13 before, who was it that talked to you?

14 A I believe -- It wasn't Mayo. It  
15 was the other one. God, I just had a  
16 brain warp here. It's not Ford. What is  
17 his --

18 Q Mr. Mayo?

19 A Is it Mr. Ford? There were two of  
20 them. There's been so many attorneys with  
21 my brother, I swear, I get confused.

22 Q That's okay. Whoever it was that  
23 called you the night before --

24 A Right. It was one of the two of

1 them. I know it was Mr. Mayo, and it was  
2 the older one of the two. And he spoke to  
3 -- He called about -- between 11 and 11:30  
4 at night to just -- he said, "Let me just  
5 go over some testimony with you that we're  
6 going to be presenting tomorrow," and kind  
7 of gave us what we should or should not  
8 say.

9 Q What did he go over with you that  
10 night?

11 A He asked us not to say anything  
12 negative about Billie because it would not  
13 -- she was already a victim, and that  
14 there were going to be mannequins and bad  
15 pictures and everybody would already feel  
16 pretty bad about it, as did we, and that  
17 it would be in our best interest not to  
18 bring up anything negative about Billie  
19 because it would make us look bad to the  
20 Court.

21 Q Have you had occasion -- You said  
22 that Billie and Jon lived with you for a  
23 while.

24 A Jon and Billie did not live with me

1 together. Jon lived with me, and then he  
2 and Billie got together and then they were  
3 married. They had their own place.

4 Q Well, but I mean, you had an  
5 opportunity to see them actually  
6 intereact.

7 A Correct.

8 Q Do you know anything at all  
9 concerning --

10 MR. BUCHANAN: And I'm going to  
11 make this question a little long, Judge,  
12 directing the Court's attention to that  
13 portion of the trial which is unrebutted  
14 that the phone lines were disconnected  
15 going into the house, which I assume was a  
16 factor in premeditation.

17 Q Did you have any information for  
18 these attorneys concerning those phone  
19 lines and Jon's penchant for disconnecting  
20 phone lines?

21 A Jon has a habit of disconnecting  
22 phone lines. The first time that I was  
23 made aware of him doing this was in  
24 Fayetteville, North Carolina, and what was



1   happening was he was having a -- he and  
2   Billie were having a party at their  
3   apartment complex. Apparently it was a  
4   loud party, and the neighbors were going  
5   to call the police, or had told them that  
6   if they didn't keep the noise down they  
7   would call the police. Jon went and  
8   disconnected their phone so that they  
9   could not call the police. This angered  
10   these people that he had done this, and  
11   somehow a window got broken out in  
12   someone's car. It was not Jon that had  
13   done it, but somebody at the party  
14   apparently had done this. The police were  
15   being called anyway, and I don't know  
16   whether Jon called me or Billie called me.  
17   One of them called me to come over to the  
18   apartment complex because I knew a lot of  
19   the policemen from them eating at our  
20   restaurant in Fayetteville, and I think  
21   they were hoping that we could help them  
22   because they might be in trouble because  
23   the police were called, and the phones  
24   were disconnected and there was some

1 damage done to this particular car. I  
2 believe it was all thrown out of court  
3 because the lady's testimony as to the  
4 excess in damages that she said she had  
5 didn't hold up in court.

6 Q Okay. Do you have any other  
7 instances that you know of that Jon  
8 disconnected phone lines before he would  
9 engage in conversations with people?

10 A My mother. He disconnected my  
11 mother's telephone.

12 Q On one or more occasions?

13 A I know of one particular. He was  
14 coming home, and my mom was going to call  
15 her sister, to go over to her house, and  
16 he -- he doesn't cut the phone lines, he  
17 knows how to just disconnect them, and  
18 then you can connect them back up. So, he  
19 just -- that's what he does.

20 Q Why does he do that?

21 A My sisters and I were talking about  
22 this, and what -- but he's one of seven  
23 kids. He's the youngest one, and I'd say  
24 vying for attention in that sometimes we

1 don't listen to Jon, or Jon will rant and  
2 rave, and, you know, we'll be like, "Jon,  
3 just shut-up. Just stop. Just whatever,"  
4 and he wants you to listen to him because  
5 no one -- you know, being the last of  
6 seven kids, we're all vying for attention  
7 there, but Jon, he wanted your attention.  
8 He wanted you to listen to him, and then,  
9 you know, if you needed to call somebody  
10 or whatever, but he just wanted you to  
11 just listen to what he had to say.

12 Q On any of these occasions that he's  
13 disconnected with your mother or neighbors  
14 or whatnot, has he ever hurt anybody?

15 A No.

16 Q Was the purpose seemingly to get  
17 the undivided attention of the person?

18 A So that they would listen to what  
19 he had to say, yes.

20 Q So, if the attorneys had talked to  
21 you before trial, you would have been able  
22 to furnish them with this explanation for  
23 the disconnection of the phones.

24 A Yes.

1 Q And that he had, in fact, on  
2 previous occasions disconnected the phone  
3 lines of other people with no intent to  
4 hurt them whatsoever.

5 A That's correct.

6 Q Did you have opinions, based on  
7 your observations of Billie, about  
8 Billie's character?

9 A I don't like to say bad things  
10 because I don't believe she deserves to be  
11 dead.

12 Q I understand that, but --

13 A I know --

14 Q -- I'm talking about what attorneys  
15 could have found out from you had they  
16 come and done -- and interrogated you  
17 previous to putting on their guilt or  
18 innocence case. And I know this may be  
19 some of it unpleasant, but if you would,  
20 just -- we need to get it down in the  
21 record.

22 A I did not like Billie for a couple  
23 of reasons. It's not that I didn't like  
24 her. We got off to a rocky start.

1 Whenever he started dating Billie and she  
2 came over to the house, the -- right out  
3 of the fence, you know when you're sitting  
4 there and you're introduced to someone,  
5 she told us that she was getting her  
6 Masters in premed at college, and I said,  
7 "You are," and so I started asking her  
8 about it, and, of course, as it came out,  
9 that's not the case. It was an EMT. And  
10 that doesn't matter. I understand that  
11 doesn't matter. It's just that from the  
12 start, she would just tell stories. You  
13 didn't have to lie or fabricate on  
14 anything. She would just tell stories,  
15 for instance, on that.

16 The other thing is, I was upset  
17 because Jon was dating this other girl  
18 named Hope at this apartment complex. She  
19 was a lovely girl. And somehow Billie got  
20 involved. I was concerned that she  
21 already had two children. Jon was just  
22 now getting -- He was brought to my house  
23 getting his life together.

24 MR. EARLS: Your Honor, again, I'm

1 objecting to this because I don't see it  
2 has any relevance to anything.

3 THE COURT: Do you want to comment  
4 before I rule?

5 MR. BUCHANAN: I'll move along,  
6 Judge.

7 THE COURT: Thank you.

8 Q Now, specifically, though,  
9 regarding Billie and her belittling of  
10 Jon, have you seen and witnessed her  
11 belittle Jon?

12 A Yes.

13 Q All right. Would you tell the  
14 Court, without telling him every  
15 conceivable thing because we don't really  
16 need to know every conceivable thing but,  
17 some examples and what you did observe  
18 about that?

19 A Basically that she was the one in  
20 control. If he was over at our house, it  
21 was -- she would like, "You need to be  
22 here," or, "You took the wrong car," or,  
23 "You," -- she'd be angry with him about  
24 going to work. They would have fights

1 about whether or not -- you know, him  
2 working or not working, and who -- you  
3 know, who was going to be -- I think they  
4 were kind of vying whether he should be  
5 the one -- the breadwinner having the job  
6 and it would fluctuate or was she going to  
7 be the one, you know, and her going to  
8 school, and I think that was a lot of  
9 where all there tensions were. They got  
10 in to where they were having financial  
11 difficulty, and I think that was a lot of  
12 their problems, was all their money  
13 problems that they had.

14 But, yes, she did belittle him.  
15 She said he was stupid. She said he  
16 couldn't -- that she needed to be in  
17 charge because of -- she was better able  
18 at handling money. I wouldn't maybe  
19 disagree with that at the time.

20 Q When you would see her do this sort  
21 of thing, what would be Jon's reaction?

22 A Jon went along with everything  
23 Billie said. Even now, we call on the  
24 telephone, and if I say anything negative

1 about Billie, Jon's angry with me.

2 Q He's still defensive of her.

3 A Very.

4 Q Did you have occasion to know  
5 whether or not Jon was a Christian?

6 A Jon, when he came to my house -- We  
7 go to church on Sunday. My husband's a  
8 missionary, his family's missionary, from  
9 African Inland Mission, and Jon came with  
10 us, and he was baptized at my home -- at  
11 our church.

12 Q If the attorneys had come to you  
13 sometime before, could you have produced  
14 pictures for them and videos of him in the  
15 position of being a loving father?

16 A Yes.

17 Q Do you know if any of those were  
18 produced at trial?

19 A Not to my knowledge. We weren't  
20 allowed in here, so I'm not sure what took  
21 place in here. Not to my knowledge. No  
22 one ever asked for any.

23 MR. BUCHANAN: May I approach and  
24 get this marked, Your Honor?



1 THE COURT: Has the State seen what  
2 you have?

3 MR. EARLS: No, I have not.

4 (Exhibit 2 was marked.)

5 MR. BUCHANAN: Your Honor, may I  
6 approach the witness?

7 THE COURT: Certainly.

8 Q Ms. Davis, I want to show you  
9 what's been marked as Exhibit 2.

10 A I took my glasses out. Do you have  
11 reading glasses?

12 Q Yes, ma'am.

13 A My age.

14 Q And I ask you if those are pictures  
15 that are accurate representations of what  
16 they seek to depict.

17 A Yes.

18 Q And are they various pictures of  
19 Jon in stages of family life and his  
20 children and his family?

21 A Yes.

22 MR. BUCHANAN: Your Honor, I'd ask  
23 that they be placed into evidence at this  
24 time.

1 THE COURT: Any objection?

2 MR. EARLS: No, sir.

3 (Exhibit 2 was entered.)

4 Q And in case I haven't asked this,  
5 were those available at the time? If the  
6 attorneys had asked you for them, could  
7 you have gotten those types of pictures  
8 together?

9 A Correct, yes.

10 Q You have, in fact, produced a short  
11 three-minute or less than three-minute  
12 video; have you not? On movies of him in  
13 the family situation; have you not?

14 A Yes.

15 MR. BUCHANAN: May I have this  
16 played, Your Honor?

17 MR. EARLS: I've not seen that,  
18 Your Honor.

19 MR. BUCHANAN: I know you hadn't.  
20 We just got it last night.

21 It's so short, Judge, I'd like to  
22 show it to everybody and pass upon it.

23 THE COURT: We're not dealing with  
24 a jury, so I'll let it be shown and then

1 decide, General, if you have an objection  
2 or not.

3 A I brought this video. It's kind of  
4 where Jon's head's at with his family and  
5 what we were doing with the family.

6 Q I think what we're going to do is  
7 watch it first and then --

8 A All right.

9 Q But quickly, it was produced by  
10 you, and it accurately depicts Jon in the  
11 family mode and doing things with the  
12 children and things of that nature. It  
13 hadn't been doctored or anything to be  
14 fake photos or anything, has it?

15 A No.

16 MR. BUCHANAN: And, Judge, it has  
17 some background music, and we're just  
18 going to go ahead and put it down  
19 -- volume down to nothing.

20 (Said videotape was shown.)

21 THE COURT: We've viewed the video  
22 now. Does the State have any objection or  
23 comment?

24 MR. EARLS: Yes, sir. I think the

1 content of that, that I observed, looks  
2 like two-thirds of it dealt with children  
3 in the home and what they were doing, not  
4 what Mr. Hall was. There's no indication  
5 that Mr. Hall is even in some of this  
6 video. I don't know that it accurately  
7 depicts what it purports to depict.

8 THE WITNESS: If the sound was --

9 THE COURT: Hold on just a minute,  
10 ma'am.

11 MR. ELLIS: Your Honor, I observed  
12 the tape. The reason we turned down the  
13 sound was there's a song in the background  
14 which would not have been admissible.  
15 However, there is conversations by Mr.  
16 Hall on the tape to the kids, and that  
17 would have been extremely relevant at the  
18 mitigation phase, the fact that he's  
19 interacting with the kids, that they're  
20 interacting with him, that they like him,  
21 that they get along with him and would --  
22 and actually would have probably rebutted  
23 some of the State's position during the  
24 course of the trial, and it's very

1 relevant and should come in.

2 THE COURT: Anything further,  
3 General?

4 MR. EARLS: No, sir.

5 THE COURT: Of course, none of us  
6 have had the advantage of hearing the  
7 voice. I understand the music might not  
8 have been relevant. The voice, I take it,  
9 could be identified. I can only assume  
10 that since nobody's heard it and  
11 identified any voice on the tape.

12 MR. ELLIS: Your Honor, we could  
13 replay it again with the sound for her to  
14 identify the voice if you would like.

15 THE COURT: General?

16 MR. EARLS: If they say it's on  
17 there, that's fine. I'll take their word  
18 for it.

19 THE COURT: I'm going to let it in.  
20 Do you want to have it marked Exhibit 3?

21 MR. BUCHANAN: Yes, sir.

22 (Exhibit 3 was marked  
23 and entered.)

24 Q I realize I'm skipping around a

1 little bit between family history and  
2 things that relate to guilt or innocence,  
3 but I do want to make sure that I'm clear  
4 in the record. The attorney -- The first  
5 time you talked to an attorney was the  
6 night before you went on in the punishment  
7 phase. Correct?

8 A Correct, between 11 and 11:30 at  
9 night.

10 Q Is there anything that you know  
11 about Jon, in his conduct or your  
12 observations, that would have made you  
13 think that he would have ever  
14 premeditatedly killed Billie?

15 A I don't believe that he would have  
16 -- that he did premeditatedly kill her.  
17 He loved her. He was hopelessly in love  
18 with her. I wish -- We all wished that  
19 they would have split up, but he loved her  
20 so much.

21 Q Well I'm not asking your opinion so  
22 much as I'm asking, is there anything that  
23 you observed in their relationship that  
24 would lead you to believe that he could or

1 would ever premeditatedly kill this lady?

2 A No.

3 Q With that available, would you have  
4 told the attorneys that had they come and  
5 talked to you previous to when they did  
6 talk to you?

7 A Correct, yes.

8 Q Now when Jon was growing up, would  
9 you tell the Judge a little bit about his  
10 father and his father's conduct of himself  
11 as regards your mother?

12 A My father would be -- would drink,  
13 and when he drank, he would come home,  
14 especially Thursday nights, -- so I'm  
15 assuming now as an adult that that must  
16 have been payday because on that  
17 particular night he would be drunk, and he  
18 would -- he and my mother would always get  
19 into fights and they would start picking  
20 at each other, and he would beat my  
21 mother, and he -- We had one particular  
22 fight at the --

23 MR. EARLS: Your Honor, again, I'm  
24 making the same objection. I don't

1 understand how his father's treatment of  
2 his mother is relevant to this Defendant's  
3 post-conviction petition.

4 MR. BUCHANAN: Well, Judge, social  
5 history and background is going to be very  
6 relevant. When Dr. Caruso testifies,  
7 he'll testify that the better one he has,  
8 the more accurate the diagnosis. I don't  
9 know anybody that would even dispute him  
10 on that. They didn't talk to him. I  
11 think I've got to get into the record  
12 everything they could have found out.

13 THE COURT: I'm going to let you  
14 proceed with it, again, because it's  
15 taking the avenue not as evidence to  
16 contradict the basis of the guilt or  
17 innocence at the time but something that  
18 his lawyers could have allegedly  
19 discovered during the course of their  
20 representation that could have been a  
21 factor at the sentencing phase. Go ahead.

22 MR. BUCHANAN: And, Judge, that's  
23 why I'm trying to preface some of the  
24 questions because like the premeditated



1 question, I wanted that -- to direct the  
2 Court's attention that that was available  
3 for them there, for her to testify at the  
4 guilt or innocence phase. This is, of  
5 course, much more mitigation, social  
6 history.

7 THE COURT: Go ahead.

8 Q All right. He drank.

9 A Yes.

10 Q And the mother and the father would  
11 fight.

12 A Correct.

13 Q All right. Would they pick at each  
14 other?

15 A Yes. My mom would pick at him, and  
16 then he would have a breaking point, yes.

17 Q Now, would he appear to just lose  
18 it, explode --

19 A Yes.

20 Q -- and walk on over to violence?

21 A One particular night was very bad  
22 in that he -- Sometimes you try to forget  
23 this stuff.

24 Q I understand.

1 A He would -- This one night in  
2 particular, he had pinned her down on the  
3 floor, and he was beating her head on the  
4 floor, and there were big clumps of hair  
5 laying on the floor and there was a lot of  
6 blood, and Jon was just little. He was, I  
7 don't know, two or three years old. I  
8 remember he went and got a fly swatter and  
9 was trying to hit Dad to make him stop,  
10 and we all tried to make him stop.

11 Q Living in that household, was he  
12 ever exposed to a learned behavior of  
13 conflict resolution peacefully, wherein  
14 folks would talk things out calmly?

15 A I think looking back now that it  
16 was difficult to do because there was  
17 seven children there. So I don't know how  
18 much alone-time they might have had to go  
19 and work their problems out, or how much  
20 of a support system my parents themselves  
21 had to deal with all the issues and  
22 responsibility of having seven kids. My  
23 mother and father, for whatever reason, it  
24 was kind of this -- there would be this

1 violent thing and then they'd be all  
2 lovey-dovey. Then they'd be violent and  
3 then they'd be lovey-dovey. It was like  
4 -- It was like they thrived on it, it gave  
5 them something to do. It would, you know,  
6 -- When I was older, I would just take the  
7 little kids and leave. It got to the  
8 point sometimes I'd say, "If you guys are  
9 going to kill each other, please do it  
10 while we're not here. We don't want to  
11 see it."

12 Q When you say "the little kids",  
13 that would include Jon; would it not?

14 A Definitely Jon. We always tried to  
15 get him out of there, but he did witness a  
16 lot.

17 Q So his father reacted to his mother  
18 in a similar fashion to the way he reacted  
19 apparently to Billie this night.

20 A Right, kind of a love/hate thing  
21 that they -- And I think my mother thrived  
22 on it. I don't know why they would never  
23 have gotten divorced and chose to live  
24 like that.

1 Q Who probably, at least as looking  
2 at May to July of 1994, -- who probably in  
3 the family knew Jon better or was more up-  
4 to-date with Jon than the other siblings?  
5 Who would be probably the number one  
6 person that you would want to go to to  
7 talk about Jon?

8 A That would probably be me. In  
9 which years? 19- what?

10 Q 1994, before him and Billie -- say  
11 May to July.

12 A Oh, I -- that would have to be  
13 probably my mother because that was in  
14 Tennessee. I lived in North Carolina at  
15 that time, and so -- but Jon called my  
16 mother regularly.

17 Q Okay. Of the siblings, who would  
18 that probably be?

19 A Probably Jeff.

20 Q Okay, let's talk about Jeff. Who  
21 is Jeff?

22 A Jeff was my brother. He died of  
23 AIDS, I believe in 1995.

24 Q Was Jon a regular confidant of

1 Jeff?

2 A They were very close, very close.  
3 In fact, Jeff had a very calming effect.  
4 He was a wonderful brother.

5 Q In 1994, July of 1994, August of  
6 1994, September of 1994, was it common  
7 knowledge that everyone knew that Jeff was  
8 dying of AIDS?

9 A Right. He apparently had had this  
10 for ten years, and he was married and had  
11 children. We never knew he had AIDS. He  
12 -- Because of the stigma that was attached  
13 to it, he never told any -- he told us at  
14 a family reunion. We kind of knew, and  
15 then we had a family reunion because we  
16 knew he was dying.

17 Q Do you know of any attempt by any  
18 attorney or investigator for an attorney  
19 to ever get a hold of Jeff to preserve his  
20 testimony before he died?

21 A No attorney tried to contact us. We  
22 were trying to contact him to get his  
23 testimony put in, but no one would hear  
24 us.

1 Q And, when did Jeff die?

2 A He died on July 4th, and I believe  
3 it was '95.

4 Q 1995.

5 A Uh-huh.

6 Q So, between July of 1994, some  
7 attorney, some investigator, some  
8 somebody, Jeff was available from July of  
9 1994 on the date that this offense  
10 occurred all the way up until July of '95.

11 A Right. I believe that Sheryl even  
12 went to -- and got an affidavit notarized  
13 by Jeff saying that no one's contacted him  
14 and that we were trying to get his  
15 testimony before he would die because we  
16 knew his health was deteriorating.

17 Q Were you and Sheryl and Kathy and  
18 your mother in regular contact with each  
19 other about Jon during the time from '94  
20 to when Jeff died in '95?

21 A Yes.

22 Q Describe, if you will, how you feel  
23 your efforts were at trying to get the  
24 attention of the attorneys to get

1 something done regarding Jeff.

2 A Well we were frustrated in that no  
3 one would do anything about Jeff, and we  
4 knew that Jeff was dying and that we  
5 wouldn't get his testimony in. We knew  
6 that Jeff was the one that actually turned  
7 him into the police after Billie was  
8 killed. We also know that when Jon went  
9 to Jeff's house, he didn't realize he had  
10 killed her, and his frame of mind and what  
11 his demeanor -- all that information, Jeff  
12 had first-hand knowledge of, but we  
13 weren't -- no one would get that  
14 information from Jeff, and Jeff is the one  
15 that called the police and had them come  
16 and pick Jon up.

17 Q So that testimony was lost to the  
18 world in July of '95.

19 A Correct.

20 Q Were you familiar with Jeff -- I  
21 understand AIDS is a degenerative disease.  
22 Was he healthy enough between July of '94  
23 and July of '95 to at some time take his  
24 statement?

1 A Yes. My sister Sheryl would  
2 actually be better able. She kept pretty  
3 extensive notes on everything, a timeline.  
4 Q Okay. Did your father ever -- You  
5 said he was a drinking man and that he  
6 would, after being provoked, resort to  
7 violence with your mother. Do you know if  
8 he was ever treated for -- or given any  
9 psychological counseling or anything of  
10 that nature?

11 A No, but his father was the same  
12 way.

13 Q His father was the same way?

14 A Correct. That was one of the  
15 grandparents I lived with. His father's  
16 name was Chuck, and he also was an  
17 alcoholic and he beat my grandmother, and  
18 there was a particular night we came home,  
19 and he had taken a knife and cut up all  
20 her clothes and stuck the knife in the  
21 door frame of the door, and we were afraid  
22 because we didn't know what he was going  
23 to do to us, and that was living at my  
24 grandparent's house. That was my father's



1 father.

2 Q So Jon's paternal grandfather  
3 resolved conflict in this nature and his  
4 father did.

5 A Correct.

6 Q Could you have told an attorney's  
7 investigator or an attorney that at any  
8 time before you were called on the night  
9 before you were called to testify?

10 A Yes.

11 Q Would you have been willing to do  
12 so?

13 A Yes.

14 Q Would you tell the Court a little  
15 bit about Jon's fears as regards police  
16 officers? Did Jon have any, what you  
17 would have observed to be, more than  
18 normal fears of police officers?

19 A Yes. My husband and I owned a  
20 restaurant, Golden Corral Family  
21 Steakhouse in Fayetteville, North  
22 Carolina, and we had many police officers  
23 that stopped and ate at our restaurant,  
24 and we encouraged them to stop and eat at

1 our restaurant because we felt safer. So  
2 they would come into our restaurant, but  
3 if Jon was there, Jon wouldn't stay out  
4 and talk with the police. He would always  
5 go to the back of the house, and, in fact,  
6 one of our best friends, his name was  
7 Barry Fisher, is an officer, and we -- he  
8 even noticed, "Why doesn't Jon talk to  
9 me," or, "Why is Jon so aloof," and Jon  
10 was just totally terrified of police  
11 officers.

12 I know of several instances when he  
13 was younger that he felt that he was  
14 mistreated or -- Jon's kind of a black and  
15 white person here, in justice or whatever,  
16 and he feels that if they don't give you a  
17 chance to talk or explain something the  
18 way it is, then he gets angry and he just  
19 -- Apparently a police officer sold him a  
20 car, and it turned out that the whole  
21 floorboard of the car was rusted out.  
22 There was a hole in it. So when he tried  
23 to get a hold of this officer to take it  
24 back, that it was a lemon, the guy gave

1 him a hard time, and I think eventually  
2 they ended up in some altercation later at  
3 another time. I shouldn't say that. I  
4 don't know what I'm trying --

5 Q So you've witnessed, in layman's  
6 terms, what seems to be kind of a paranoia  
7 on his part.

8 A He definitely had a paranoia of  
9 police officers.

10 Q Would you have been able to convey  
11 that to the attorneys or their  
12 investigators had they interviewed you  
13 sometime in that three years, three and a  
14 half years, they were waiting for trial?

15 A Yes.

16 Q Would you tell the Court how Jon  
17 interacted with pets?

18 A He had -- We ended up with it.  
19 It's a dog named Sampson. It was a white  
20 Samoyed, and it was a beautiful, beautiful  
21 dog, but it was very much Jon's  
22 personality. He had gotten it as a little  
23 puppy, and he never would put a collar or  
24 a leash on it because he wanted it to be

1 free, and that was fine when you lived in  
2 Pennsylvania with my mom where there was a  
3 lot of acreage that you could just run  
4 with the dog, but when he brought it up to  
5 North Carolina, I lived in a little  
6 suburban-type, you know, neighborhood, and  
7 dogs had to be leashed and a collar on it,  
8 and it was very difficult to control the  
9 dog because Jon had always let it be free,  
10 and the dog was very loving, and he loved  
11 the dog, and, you know, he just pampered  
12 it like a little baby, and the dog turned  
13 out to be very much like Jon. It was kind  
14 of hard to control. You know, it was a  
15 very loving -- he was very loving, but it  
16 was hard to control when he didn't like  
17 being controlled.

18 Q Did you ever see Jon exhibit any  
19 abusive conduct toward any animal?

20 A No, he was always very loving.

21 Q You made a statement to my  
22 investigator that said that the dog did  
23 not want to be controlled like Jon. Can  
24 you tell the Judge what you mean by Jon

1 didn't want to be controlled?

2 A Unfortunately, just like his  
3 behavior here in the courtroom, he wanted  
4 to control the situation. He wants to be  
5 in charge and tell people -- try to get  
6 his point across because he has all these  
7 years of anger and frustration and  
8 feelings that people haven't helped him or  
9 whatever, and, so, you know, we're telling  
10 him, "Jon, please be quiet. Please allow  
11 someone to help you," but he has no trust  
12 for anyone anymore, and he's coming across  
13 as angry and not exactly the same person I  
14 remember from the video. He -- It was  
15 just very hard. He probably felt like he  
16 never had control because he was the last  
17 one of seven kids. He's the last one on  
18 the totem pole, so ...

19 Q When you were talking back and  
20 forth between your mother and your other  
21 sisters about getting the attorneys'  
22 attention, do you know if any investigator  
23 ever talked to any of the sisters?

24 A I don't believe that that -- No

1 attorney talked to any of us. I remember  
2 the name Gloria, but I --

3 Q Gloria Shettles?

4 A Yes. And we were excited that  
5 someone was trying to contact us. We kind  
6 of got excited. We thought, oh, good,  
7 someone's going to try to help, but that  
8 was it.

9 Q When Gloria got on the case, is she  
10 the one that read out of the DSM about  
11 intermittent explosive disorder to you or  
12 one of your sisters?

13 A That would be to my sisters.

14 Q So there appeared to be some kind  
15 of diagnosis going on by whatever Gloria  
16 was.

17 A Correct.

18 Q Did you ever notice any follow-up  
19 on intermittent explosive disorder being  
20 done by the attorneys? At least as far as  
21 your observations.

22 A No.

23 Q But when this term intermittent  
24 explosive disorder cropped up in y'all's

1 conversations, that was well before any  
2 trial; was it not?

3 A Yes. And it made sense because it  
4 described Jon to a T.

5 Q How would -- We've talked a little  
6 about Jon's father and his alcoholism.  
7 Would you tell the Court how Jon's father  
8 treated Jon growing up?

9 A Somewhere in my father's head he  
10 got it that Jon wasn't his son. So, he  
11 would throw that up in my mother's face  
12 all the time. My brother Joel, who is  
13 older than Jon, then would -- he would  
14 take Joel around on his back, do piggyback  
15 rides and all that wonderful fatherly  
16 stuff and put him down, and Jon would come  
17 up and he'd say, "Give me a piggyback  
18 ride," and Dad would push him away, or Dad  
19 would take Joel and get him ice cream and  
20 bring it home and they would eat it in  
21 front of Jon, and Jon wouldn't get any. I  
22 mean, he just pretty much said Jon's not  
23 his child, and then my mother would  
24 overcompensate and be more loving to Jon.

1 Q Would he ever say that to Jon

2 directly, that, "Jon, you're not my son"?

3 A Oh, he made it very clear to all of  
4 us that Jon wasn't his son, and I'm not  
5 sure that Jon remembers that. I've talked  
6 to him about that.

7 Q But it was said directly to him.

8 A Oh, yes. It was said to all of us.

9 Q So the father was not very loving  
10 toward Jon.

11 A Not at all.

12 Q What about Jon's drug use? Did you  
13 ever notice it when you were in North  
14 Carolina around him that he used drugs and  
15 alcohol?

16 A No one would ever do drugs in front  
17 of me because I don't do drugs and I don't  
18 drink, so -- but I did know that both he  
19 and Billie did do drugs together, and that  
20 was another reason why I didn't  
21 particularly care for Billie, because I  
22 thought that was the wrong path that he  
23 was going down, and I was -- when he came  
24 to live with us, we were trying to turn



1 his life around.

2 Q Have you ever known Jon to do  
3 anything, I'm going to use the term  
4 "noble" but I'm going to give you an  
5 example, wherein he would come to the  
6 rescue of someone or some thing or  
7 intervene on behalf of somebody, damsel-  
8 in-distress type of thing or something of  
9 that nature?

10 A Jon always was for the underdog,  
11 yes. He would do that just like when he  
12 was just a little baby trying to protect  
13 Mom with the fly swatter.

14 Q Have you seen him -- I know you  
15 gave the example of the fly swatter and  
16 your mother. Have you ever seen him try  
17 to intervene and help somebody that needed  
18 help that was the underdog?

19 A I'm sure I have because that's  
20 Jon's personality. It's escaping me right  
21 here. I could think about it for a minute  
22 and come up with some. That was Jon's  
23 personality. His personality -- The Jon  
24 that sits before you is not exactly the

1 same Jon that we had years ago when this  
2 whole thing happened. Jon's life ended  
3 when Billie's life ended, but he was -- he  
4 would give you the shirt off his back. He  
5 would -- You know, he would work a whole  
6 day of work, and then if your car was  
7 broken down, -- people would bring it over  
8 and leave it, and he would stay up 'til  
9 two or three o'clock in the morning  
10 working on their car and then charge them  
11 nothing, which I think is one of the  
12 reasons why Billie had a gripe about this  
13 because, he was a mechanic, why not get  
14 paid for this, but Jon just did it because  
15 they were friends.

16 Q Now your mother and father, you  
17 talked about how they would use violence  
18 on each other. Did any of that ever  
19 involve gun play?

20 A Yes.

21 Q Would you tell the Court about  
22 that?

23 A We used to -- at night we would  
24 take the guns and put them under our beds.

1 We would take the shells, put them under  
2 our beds. We even took knives out of the  
3 drawers and put those under our beds.

4 Q When your mom and dad would fight,  
5 you were talking about gun play, you did  
6 see them use guns with each other?

7 A Yes. I saw my mother actually hold  
8 one on my father and give him ten to get  
9 across the yard, and my boyfriend actually  
10 took the gun off of her, only to find out  
11 that it was not loaded, but, of course, as  
12 kids, we don't know whether the guns are  
13 loaded or not loaded or what have you. We  
14 were just scared.

15 Q Now, as regards disconnecting  
16 phones, did your father ever pull the  
17 phone or disconnect the phone so that your  
18 mother couldn't make any phone calls?

19 A The night that he beat her up, the  
20 very worst time, and that was almost  
21 really the last time that he ever really  
22 beat her up because they -- the constable  
23 came, and he ripped the phone off the  
24 wall.

1 Q And that disconnected it.

2 A Yes. We were trying to call out  
3 for help.

4 Q Did you ever know Jon to have  
5 suffered anything when he was young of a  
6 nature that was traumatic to his body,  
7 like a bad fall, a bad wreck, a bad  
8 accident, anything of that nature?

9 A We had a car accident, and you'll  
10 see scars on his side I think where there  
11 was broken glass. So he has quite a few  
12 scars along his side from a car accident  
13 or a motorcycle accident or something like  
14 that when Jon was older, and I had already  
15 left for college then, so I was not at  
16 home.

17 Q How long had the family known that  
18 Jeff had AIDS?

19 A To be honest with you, I only knew  
20 it for like a year prior to his death. He  
21 kind of kept it -- at least -- unless he  
22 talked to someone else. I don't know how  
23 long Jon knew. I don't know.

24 Q Were you at this family reunion in

1 1993?

2 A Correct. That's what that one  
3 picture is in this grouping of --

4 Q Who else was at the family reunion?

5 A Just about everybody in the family,  
6 on the Hall side.

7 Q Was Billie there?

8 A No.

9 Q Was Jon there?

10 A Yes.

11 Q Were the kids there?

12 A Yes. Well, his -- Jon's two little  
13 ones, the two little ones were.

14 Q Okay. And that's Jessica and  
15 Stephanie?

16 A Correct.

17 Q And do those pictures show how they  
18 were dressed and everything and what kind  
19 of care he was giving them, at least as  
20 far as you can tell by a picture?

21 A Yes. They were his little  
22 princesses, yes.

23 Q All right. And, why was that  
24 family reunion called together? Was that

1 -- Did that have anything to do with Jeff?

2 A Yes, because we knew he was dying,  
3 and we knew that we all wanted to get  
4 together and be together as a family.

5 Q Do you know why --

6 A As much violence as there was, we  
7 do love each other, too. I mean, that's  
8 kind of a bizarre thing, but we do.

9 Q How many brothers and sisters are  
10 there to Jon?

11 A Jon has three brothers and three  
12 sisters.

13 Q And is Jeff one of those brothers?

14 A Correct.

15 Q Who is now deceased.

16 A Yes.

17 Q And that family reunion was called  
18 because of Jeff having AIDS.

19 A Correct.

20 Q Did you ever see Jon be in any way  
21 shape or form anything other than a good  
22 father?

23 A He was a wonderful father. That's  
24 what was so surprising about this whole

1 thing, that Jon was the nurturing one, and  
2 then later in court we found out that they  
3 said that Jon never took care of the kids.  
4 He was the one that always took care of  
5 the kids. He's the one that dressed them,  
6 and he's the one that always brought them,  
7 you know, over to the house to play. When  
8 I went over to his house, you know, Billie  
9 was working. Billie was working very hard  
10 on getting her education, in her defense,  
11 and getting her education and going to  
12 school, but Jon was the caretaker. He's  
13 the one -- And they just loved him,  
14 because he was like a big kid, kind of  
15 like a big teddy bear, and they just  
16 followed him around and -- you know,  
17 because he played games. Again, he was  
18 like a kid.

19 Q Did the violence between your mom  
20 and dad reach a point where at some point  
21 you or some of the other kids didn't live  
22 with them?

23 A Not my -- Not my father. What  
24 happened -- My stepfather. My mother

1 remarried after my father died, and this  
2 man was awful, and I had come home from  
3 college, and I refused to live at the  
4 house with this man.

5 Q Was there a period of time when  
6 Sheryl or Kathy or you or any of the other  
7 boys didn't live in the house because of  
8 your mother's living situation with either  
9 your father or a subsequent husband?

10 A Yes. I think Jon and Joel were the  
11 only ones that actually -- and Sheryl that  
12 lived with the stepfather. The rest of us  
13 -- The other one -- Jay had gone to the  
14 military, and Kathy was married and had  
15 her own house, and I was away at school  
16 and came back and got a place of my own.

17 Q How about the stepfather? Was he  
18 abusive to the mother?

19 A Yes, and we ended up finding out  
20 that he was just kind of after her for her  
21 money and her house.

22 Q And Jon saw -- whatever that  
23 relationship was, he was exposed to that.

24 A Right. There was a point in time



1 where they had gotten a house, and this  
2 particular house was designed that -- part  
3 of the house was over here, but Jon's  
4 bedroom was outside. You had to go  
5 outside into another house to be where  
6 Jon's room would be, so that he wouldn't  
7 have access to any of the kids.

8 Q Has anybody in the family been in  
9 counseling for any mental illness that you  
10 know of?

11 A My sister Kathy went to counseling  
12 with her husband. They went to AAA, and  
13 he went through rehab and totally  
14 recuperated and he became a wonderful  
15 person. My brother Jay will not admit to  
16 it, but I had him -- personally I had him  
17 committed for -- and he was diagnosed with  
18 manic depressant. He tried to commit  
19 suicide when he was in Fayetteville.

20 Q Did you ever tell anybody that that  
21 was on the defense team?

22 A Yes. Well, we tried. I don't know  
23 that it ever came up.

24 Q Did anyone ever contact you and ask

1 you about that on the defense team other  
2 than the night before trial, the night  
3 before the punishment phase?

4 A No.

5 Q What kind of small child was Jon?  
6 Was he well-behaved or was he a problem?

7 A He was kind of perfect. My mom  
8 -- That's why we always laugh and say that  
9 my sister Kathy, the oldest, and my  
10 brother Jon was the golden children  
11 because he was. He was a sweet, sweet  
12 little boy, and he never got in trouble,  
13 and he didn't have to be disciplined  
14 because he wasn't the disciplinary  
15 problem. Therefore, I'm wondering if  
16 that's why the authority figure coming in  
17 later in life was so tough because he  
18 wasn't a bad kid. Up until he got into  
19 his teen years and Dad -- after Dad died  
20 and Mom had to go to work, I think there  
21 was a lot of things that came into play  
22 there. Then Jon was by himself because  
23 Mom had to go to work, and then people  
24 were imposing authority on him differently

1 than maybe what Mom had done, and I think  
2 the problems started being created there.

3 Q During the trial, did you notice  
4 anything, any conduct, that you thought  
5 was inappropriate as regards jurors and  
6 witnesses?

7 A The only thing that happened -- And  
8 this is because we were down in the  
9 basement. We were trying to see Jon. We  
10 were trying to see if they would let us in  
11 to see Jon. And we saw Billie's family  
12 out in the hallway, and there were  
13 different people that came by and gave  
14 them hugs and stuff, and we didn't think  
15 anything of it because if the tables were  
16 turned, I'm sure there would be a lot of  
17 people there supporting us and giving them  
18 a hug, but later when we were upstairs and  
19 the jury came out, one of the jurors was  
20 one of the people that was downstairs, you  
21 know. That was discussed. And I can't  
22 truly remember that we just all discussed  
23 that and we -- I think we did bring it to  
24 the attention of the attorneys, but --

1 Q You don't know what they did with  
2 it.

3 A No, I don't know what they did with  
4 it, nor do I know -- you know, I can't  
5 remember what they looked like, so I'm not  
6 the one that really should be asked that  
7 question. I just remember it being  
8 remarked about. I was there when they  
9 were remarking about it.

10 Q Did the attorneys ever express to  
11 you their feeling about the case and Jon's  
12 guilt? Did any of the attorneys ever do  
13 that?

14 A After everything was said and done  
15 and we were sitting down in that hallway  
16 waiting for them to come back,  
17 -- First of all, we thought we were here  
18 to help in the guilt/innocent phase. We  
19 didn't know that by the time they asked  
20 for our testimony, it was actually -- he'd  
21 already been convicted and now we were --  
22 it was sentencing phase that we were  
23 actually here for. So we didn't realize  
24 that. So then when we were waiting for

1 the sentencing, they were talking to us  
2 and said that, "Well, don't worry. I  
3 don't think that they'll get the death  
4 penalty," and I think they even said that  
5 Billie's parents weren't even -- they  
6 tried maybe to offer him something lesser,  
7 you know, and we were thankful for that,  
8 but when they came back with the guilt  
9 verdict or the death penalty, we were  
10 totally shocked. So after everyone left  
11 and they took Jon away, we went over to  
12 their office, and they said, "Well, so you  
13 don't feel so bad, here's a letter," or  
14 something that Jon had written about the  
15 events of that night, what had happened,  
16 and they showed us this letter and read  
17 excerpts from it and said, "So you can see  
18 that this was intentional," and we were  
19 kind of in shock.

20 Q Was one of the things that was in  
21 that letter had to do with the phone being  
22 disconnected?

23 A Uh-huh.

24 Q And you still hadn't told him at

1 this point that disconnecting of the phone  
2 was something that Jon did when he didn't  
3 hurt people.

4 A We did tell them that. We did try  
5 to tell them that, that --

6 Q Try, but he still didn't know that,  
7 as far as you know.

8 A No, this is after the whole trial  
9 is over. Yes, we told them that he -- Jon  
10 had disconnected phones before.

11 Q But not before the trial.

12 A Not before 11 or 11:30 that night.

13 Q After the guilt or innocence  
14 verdict had come back.

15 A Right.

16 MR. BUCHANAN: Can I have just a  
17 moment, Your Honor?

18 THE COURT: Yes.

19 Q I want to make sure I'm clear in  
20 the record here. When Billie would appear  
21 to be trying to provoke Jon, would the --  
22 would he react sometimes very calmly and  
23 just take it?

24 A Yes. He wouldn't go against her.

1 He was in love with her.

2 Q Did you see any similarities  
3 between his marriage to Billie and your  
4 father's marriage to your mother?

5 A A lot of similarities.

6 Q And just briefly, what were those?

7 A The similarities are that they  
8 seemed to love each other, but then they  
9 would have these massive fights, and then  
10 they would make up and everything was  
11 fine, and you would find yourself being  
12 sucked into their arguments and thinking,  
13 well, you're going to help them, and,  
14 "Well, Jon, you need to get your things  
15 together and you need to leave," or, "You  
16 need to go home," and then only to find  
17 out that now you're the bad guy and now  
18 Billie's mad at you because you suggested  
19 that he leave or, you know, -- they've  
20 already made up their peace, and now  
21 anything that you said that was negative  
22 is now turned against you. So the best  
23 thing to do is try to stay out of their  
24 business, but you'd get sucked into their

1 arguments and say, "Well why are you  
2 living like this? You have little kids.  
3 Why --", you know, "Don't fight," you  
4 know, "You know how it feels."

5 MR. BUCHANAN: Pass the witness,  
6 Your Honor.

7 THE COURT: General.

8 CROSS-EXAMINATION

9 BY MR. EARLS:

10 Q Would you give me your name again,  
11 please?

12 A Debbie Davis.

13 Q Now, Ms. Davis, most everything  
14 that you've testified to here today about  
15 Jon's family you testified to at trial,  
16 didn't you?

17 A I testified mostly about my -- the  
18 relationship with my mom and my dad and  
19 their fighting, yes.

20 Q All this information about his  
21 family history and the fights and Dad  
22 beating up on Mama and Granddaddy beating  
23 Grandmama up and the guns and hair being  
24 pulled, all that was brought out before



1 the jury, wasn't it?

2 A I did -- Yes, I did say that.

3 Q The jury still gave him the death  
4 penalty.

5 A Yes.

6 Q As a matter of fact, you testified,  
7 didn't you?

8 A Yes, I did.

9 Q Who else testified to all this?

10 A My sister Kathy and my sister  
11 Sheryl and my mother I believe were here.

12 Q Now, you testified somewhat about  
13 the relationship between Billie and Jon  
14 Hall. Isn't it true that Jon was arrested  
15 on several occasions for domestic assault?

16 THE PETITIONER: Objection.

17 MR. EARLS: Your Honor, if we're  
18 going to go into family history, we're  
19 going to have to take the good with the  
20 bad.

21 A Yeah. Right, no, that's fine.

22 MR. BUCHANAN: If it's offered for  
23 that purpose, yes, sir.

24 THE COURT: Go ahead.

1 A I don't have a problem with that. I  
2 don't remember him being arrested in  
3 Fayetteville, North Carolina.

4 Q No, I'm talking about arrested  
5 period for domestic assault.

6 A Well, I don't know. I don't have  
7 any knowledge of that because when Jon was  
8 at -- well, actually, that's whenever I  
9 think we brought him to North Carolina, is  
10 when he got in trouble in Pennsylvania,  
11 and I don't know whether that was domestic  
12 -- I don't know anything about that. I  
13 wasn't living there.

14 Q But you do know that the event  
15 occurred.

16 A I think he got in trouble in  
17 Tennessee, yes.

18 MR. ELLIS: I'm going to object,  
19 Your Honor. If the event occurred and he  
20 was arrested, that's one thing. If the  
21 event occurred that he didn't, that's  
22 another.

23 THE COURT: I don't know what she  
24 has personal knowledge of. She's

1   testifying she doesn't know what occurred  
2   up there, so that's -- I'm going to  
3   sustain the objection.

4   A           I think he --

5               THE COURT: Hold on a second and  
6   let him ask the next question.

7   Q           Now, at the time of the homicide,  
8   Billie and Jon were estranged, going  
9   through a divorce, weren't they?

10  A           Yes, they were.

11  Q           Was Jon precluded from contacting  
12  her?

13  A           I don't know. What do you mean?

14  Q           Was there an order of protection  
15  against him?

16  A           I believe he did, but I also know  
17  that Billie called him on the phone and  
18  asked him to come over to the house.

19  Q           Now, isn't it also true that as  
20  part of this family history and part of  
21  all this divorce, the children had accused  
22  him of abusing them?

23  A           You know, I don't know. I'm not  
24  aware of that until -- you know, I had

1 heard that, and I think that that is  
2 totally wrong.

3 Q Well, nevertheless, it's still part  
4 of the family history, isn't it?

5 A I don't know. I wasn't part --

6 MR. BUCHANAN: Your Honor, I  
7 believe that would be argumentative.

8 A Well, see, what I'm saying is --

9 THE COURT: She's testifying she  
10 didn't know.

11 Q All right. Now, --

12 A I would be surprised.

13 Q Were you ever contacted by  
14 investigators for the defense team?

15 A There was a Gloria Shettles, and I  
16 remember her name, and we were trying to  
17 get -- I don't remember ever going into  
18 depth with Gloria. We -- I think there  
19 was a phone conversation and we were going  
20 to try to get more information at another  
21 time.

22 Q But you were contacted by an  
23 investigator.

24 A Gloria, maybe. I don't remember

1 whether it was her.

2 Q Why didn't you relay all this  
3 information to her?

4 A We did -- I did try to, but she was  
5 going to get back to me.

6 Q So, when did you do that? What was  
7 the date?

8 A I wouldn't have any way of knowing  
9 that. It would be like prior to Jon's  
10 trial.

11 Q Now, you said you tried to contact  
12 the defense team and did contact them  
13 about Jeff, didn't you?

14 A I did not. This isn't my -- These  
15 are questions you need to be addressing to  
16 my sister Sheryl.

17 Q But efforts were made to contact  
18 them about Jeff.

19 A Yes. I know that --

20 Q Why didn't you make efforts to  
21 contact them about you?

22 A I did. In fact, that's how I even  
23 got up with Gloria is, she had -- I think  
24 she had sent a letter and gave us her

1 telephone number, and I tried on several  
2 occasions to get in touch with Gloria, and  
3 then one time I finally did get up with  
4 Gloria, and we had maybe a brief  
5 conversation and we were going to go into  
6 more depth at another time.

7 Q Now, you said Jon has a history of  
8 disconnecting phone lines.

9 A Yes.

10 Q And you were going to testify to  
11 that at trial?

12 A I don't know what you mean, am I  
13 going to testify to that.

14 Q Well, you're telling --

15 A People have asked me if he has a  
16 history of that. Yes, he has a history of  
17 that.

18 Q Your testimony on Direct was, on at  
19 least one occasion he disconnected the  
20 phone lines to keep somebody from calling  
21 the police.

22 A Right.

23 Q Remember that?

24 A Yes. That was at the apartment in

1 North Carolina, yes.

2 Q And he would disconnect the phone  
3 to keep his mother from calling the  
4 police, wouldn't he?

5 A I think she was trying to call Aunt  
6 Arlene, yes.

7 Q Okay. And that's because he would  
8 always get in fights with his mother?

9 A No. He was trying to make her  
10 listen to him without her leaving or going  
11 over to my aunt's house. On that  
12 particular fight, I don't know about that.  
13 I just know about the one in North  
14 Carolina.

15 Q Your testimony was he disconnected  
16 the phone lines to make sure people would  
17 listen to him.

18 A Correct. That's my testimony.

19 Q He didn't want anybody to have  
20 help? Is that what --

21 A No, he wanted people to listen to  
22 him.

23 Q Well how is disconnecting a phone  
24 line going to keep them or make them

1 listen to him?

2 A I'm not disputing that this is a  
3 bizarre behavior --

4 MR. BUCHANAN: Objection, Your  
5 Honor. That's argumentative.

6 THE COURT: It is. The State was  
7 certainly lenient on their objections, but  
8 I sustain yours because you're exactly  
9 right.

10 Q Jon has a history of angry  
11 outbursts, doesn't he?

12 A Yes, he does.

13 Q He is what some people would call  
14 hothead. Is that right?

15 A I would say so, yes.

16 Q If he doesn't get his way, he flies  
17 off the handle.

18 A That's what they said. I only have  
19 knowledge of when he came to live with me,  
20 and we were trying to turn his life  
21 around. I had heard of his angry  
22 outbursts from being in Pennsylvania, yes.

23 Q Now, you are not a witness to  
24 anything that occurred on the night of the



1 homicide, are you?

2 A No, I'm not.

3 Q You were not present, were you?

4 A No, I was not.

5 Q So, the testimony of all of Jon's  
6 children where that he forced his way into  
7 the house, you don't have anything to  
8 dispute that, do you?

9 A I do not.

10 Q Now, isn't it also true, you were  
11 asked and you responded that Jon was a  
12 wonderful father?

13 A Yes, in my -- The whole time I saw  
14 him with his children, yes, he was.

15 Q Now isn't it true that defense  
16 counsel asked each child that while they  
17 testified?

18 A I don't know; I wasn't in here.

19 Q You weren't present when that was  
20 asked of each child?

21 A No, we weren't allowed in the  
22 courtroom.

23 Q Well the transcript will speak for  
24 itself.

1 A I do know children say a lot of  
2 things if they are prepped correctly  
3 because I had a daycare center, and I know  
4 you can make kids say a lot of things.

5 Q Now, and just by clarification,  
6 mostly everything you've talked about here  
7 today was brought out at the sentencing  
8 hearing by you.

9 A The things that I brought up at the  
10 sentencing phase was the domestic violence  
11 between my parents, and that's what they  
12 wanted me to get out. I was not allowed  
13 to say anything about Billie or -- I don't  
14 know that I even testified about the  
15 disconnected phones. I'm not sure. I  
16 don't remember.

17 MR. EARLS: That's all I have.

18 THE COURT: Anything further, Mr.  
19 Buchanan?

20 MR. BUCHANAN: Yes, Judge, just  
21 briefly.

22 REDIRECT EXAMINATION

23 BY MR. BUCHANAN:

24 Q Was there ever a running joke in

1 the family about Jon messing with phones?

2 A Yes.

3 Q Can you tell the Judge what that  
4 was?

5 A Well, I don't know if it was a  
6 running joke or anything, it was just,  
7 don't touch my phone.

8 Q Because he --

9 A He'd disconnect them. But he'd put  
10 them right back. I mean, he didn't cut  
11 the wires or he didn't do anything because  
12 he would just -- he knows how to wire  
13 phones and unwire phones.

14 Q Would you tell the Court why he  
15 disconnects as opposed to cuts? Is there  
16 something that you know of personally that  
17 causes him to --

18 MR. EARLS: Objection, Your Honor.

19 THE COURT: Objection sustained.

20 MR. ELLIS: Your Honor, do you have  
21 an opinion -- I mean, Ms. Davis, do you  
22 have any opinion why he doesn't --

23 THE COURT: Hold on, gentlemen.

24 You're not going to get up and swap out on

1 this witness. That's highly improper  
2 procedure, and I warn counsel one time.

3 Go ahead, Mr. Buchanan. I  
4 sustained the objection.

5 MR. BUCHANAN: May I tender that,  
6 Your Honor, as a proffer then?

7 THE COURT: Tender it as a proffer?

8 MR. BUCHANAN: Yes, sir.

9 THE COURT: It's clearly  
10 inadmissible. If you want to put it on  
11 the record as a proffer, go ahead. This  
12 is an offer of proof that will not be  
13 considered for purposes of my decision.

14 MR. BUCHANAN: Yes, sir.

15 Q Would you tell the Court how you  
16 know that he disconnects the phones by  
17 actual disconnection as opposed to cutting  
18 wires?

19 A Because it costs money to -- If you  
20 cut the phone wires, then you have to have  
21 the phone company come out and reconnect  
22 it and it costs money, and they didn't  
23 have any money, he wouldn't have any  
24 money. So, if you just disconnect it, you

1 can connect it back yourself.

2 Q And did he know that?

3 A Of course, yes.

4 MR. BUCHANAN: No further  
5 questions.

6 THE COURT: Those last comments or  
7 questions and responses were an offer of  
8 proof.

9 Anything else of this witness?

10 MR. EARLS: No, sir.

11 (WITNESS EXCUSED.)

12 THE COURT: Call your next witness.

13 MR. BUCHANAN: Judge, may I ask you  
14 one more question about procedure?

15 Because, quite frankly, every judge I've  
16 done one of these for does it a little  
17 different. I think I'm reading you that  
18 you're gathering evidence now. You're  
19 ready for an argument or a brief or  
20 something later tying that evidence to the  
21 issues. Is that fair to say?

22 THE COURT: Well, I'm going to hear  
23 all the proof and render a decision, based  
24 upon what you put on and what the State

1 puts on. Other than that, I don't see any  
2 need to comment further. If you're asking  
3 me whether I'm going to want you to give a  
4 brief later, I'll tell you at the time,  
5 when the thing's concluded.

6 MR. BUCHANAN: All right.

7 MR. ELLIS: Your Honor, we'd ask  
8 that Clarence Stanfill be called.

9 CLARENCE STANFILL was called and  
10 being first duly sworn, was examined and  
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. ELLIS:

14 Q For the record, would you please  
15 state your name for the Court?

16 A Clarence Stanfill.

17 THE COURT: Please speak up.

18 Q Mr. Stanfill, where do you live?

19 A Lexington, Tennessee.

20 Q Can I have your address, please?

21 A 1066 Appleton Road.

22 Q And do you know Mr. Jon Hall?

23 A Yes.

24 Q And when did you first meet Mr.

1 Hall?

2 A 1994.

3 Q And how did you meet him?

4 A My father introduced me to him.

5 Q I'm sorry, I can't hear you.

6 A My father introduced me to him.

7 THE COURT: Please continue to  
8 speak up.

9 Q And where does your father live,  
10 Mr. Stanfill?

11 A 830 Appleton Road, Lexington,  
12 Tennessee.

13 Q And what relation is that to where  
14 Mr. Hall lived?

15 A What relation?

16 Q No, in what -- Did he live close to  
17 Mr. Hall?

18 A Yeah, we lived about a mile from  
19 him. He lived on, at the time, Pleasant  
20 Hill Road. That's just about a mile from  
21 Appleton.

22 Q How did your father know him?

23 A He met him through -- He just met  
24 him through I think just a casual

1 acquaintance.

2 Q Did you have a chance to -- Well  
3 did you know Mrs. Billie Hall?

4 A Casually.

5 Q Did you have a chance to see them  
6 as a couple?

7 A Yeah.

8 Q And did you see Jon by himself or  
9 her by herself?

10 A Yeah, quite a few times.

11 Q Would you consider yourselves  
12 friends, acquaintances?

13 A Well I was just more like a friend  
14 to -- I was a friend to Jon. She was just  
15 like an acquaintance.

16 Q Did you ever have a chance to watch  
17 Jon interact with his children?

18 A Yes.

19 Q How would you characterize Jon as a  
20 dad?

21 A Excellent.

22 Q Describe to the Court some of the  
23 things that he did for his kids.

24 A Well, quite a few times he worked



1 on some vehicles for me, and he often told  
2 me that -- He worked at Helms Motor  
3 Company in Lexington as a mechanic, and he  
4 told me he quit his job 'cause his little  
5 girl had cerebral palsy and that he had to  
6 stay at home and take care of her. His  
7 insurance would not cover her, so he had  
8 to stay at home and take care of her, and  
9 quite a few times he would bring the kids  
10 around with him. I never heard him say --  
11 you know, have a bad thought or say  
12 anything out of the way to the kids.

13 MR. EARLS: Your Honor, excuse me  
14 for interrupting, but, again, without  
15 having to interpose my same objection  
16 about the relevancy of this to the post-  
17 conviction, I assume the Court's ruling's  
18 going to be the same, but I don't want to  
19 jump up every time a witness is called.  
20 If I could have that standing objection on  
21 this.

22 THE COURT: Certainly. I'll  
23 overrule you for the reasons previously  
24 stated, and I'll let counsel continue to

1 ask questions of this witness regarding  
2 his personal knowledge.

3 Q Did you ever talk with somebody  
4 from the D.A.'s office?

5 A I talked to a P.I., if that's what  
6 you're asking.

7 Q Just for this hearing today, right?

8 A About today, about this hearing  
9 today?

10 Q Yes.

11 A I just talked to the guy that  
12 subpoenaed me. That was it.

13 Q Have you ever had a contact from  
14 the Henderson County Police Department?

15 A About this case?

16 Q About what happened on the night  
17 that Mrs. Hall was killed.

18 A No.

19 Q Did you talk to any of Mr. Hall's  
20 defense attorneys at that time?

21 A No, I didn't.

22 Q Have you talked to any other  
23 investigators other than the gentleman  
24 that served you the subpoena?

1 A No, sir.

2 Q Did you ever witness Jon's demeanor  
3 in terms of if he got stressed or things  
4 weren't going his way?

5 A Never. I was never -- When I was  
6 around Jon, Jon always carried hisself as  
7 a gentleman around me.

8 MR. ELLIS: Your Honor, I pass the  
9 witness.

10 MR. EARLS: No questions.

11 (WITNESS EXCUSED.)

12 JOE HENRY STANFILL was called and  
13 being first duly sworn, was examined and  
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MR. ELLIS:

17 Q Mr. Stanfill, if you will, state  
18 your name for the record, please, sir.

19 A Joe Henry Stanfill.

20 Q And where do you live, sir?

21 A I live at Lexington, Tennessee, 830  
22 Appleton Road.

23 Q Do you know Mr. Jon Hall?

24 A I do.

1 Q When did you first meet Mr. Hall?

2 A Well I don't recall, but I'm just  
3 figuring maybe a couple of years he moved  
4 there. I was in and out of town quite a  
5 bit.

6 Q How did you first meet Mr. Hall?

7 A He and I was working with some old  
8 cars. He's a mechanic and I did some  
9 mechanic work.

10 Q And did y'all become friends?

11 A Yes, we did.

12 Q How close did you live to Mr. Hall?

13 A Real close.

14 Q Did you have a chance to ever meet  
15 Mrs. Billie Hall?

16 A Yes, I did.

17 Q And did you ever meet Jon's  
18 children?

19 A Yes, I did. He always had the  
20 children.

21 Q And how would he treat his  
22 children?

23 A Good.

24 Q Did you ever have a chance to watch

1 him be a father to his kids?

2 A All the time. He was nice to them.

3 Q What would he do for his children?

4 A All I saw, he would always bring  
5 them over to my house, and he would make  
6 sure they had something to eat and treat  
7 them real good.

8 Q Did Jon ever talk to you about  
9 Billie Hall?

10 A Not much. I went and talked to  
11 them one day together.

12 Q What did you talk to them about?

13 A About their place and how she  
14 worked and how they got along. We talked.

15 Q Did you know that Jon and Billie  
16 were having problems?

17 A No, not no bad problems. I never  
18 asked him his personal business.

19 Q Did Jon ever tell you that Billie  
20 treated him like a child?

21 MR. EARLS: Object to the leading  
22 and to the hearsay.

23 THE COURT: Objection sustained.

24 Q Did Jon ever talk to you about how

1 Billie treated him?

2 A He did make a remark --

3 MR. EARLS: Object to any hearsay,  
4 Your Honor.

5 MR. ELLIS: Your Honor, we're not  
6 offering it for the truth of the matter  
7 asserted. We're offering, again, that  
8 this was available, that the defense  
9 counsel and investigators at the time  
10 could have used this information and  
11 probed it further.

12 THE COURT: You're saying this  
13 could have gotten in, this statement of  
14 what was allegedly said?

15 MR. ELLIS: No, I'm not saying that  
16 this statement could have gotten in, but,  
17 Your Honor, it could have led to other  
18 information that would have been  
19 discoverable.

20 THE COURT: I'm going to sustain  
21 the objection.

22 MR. ELLIS: Your Honor, I'm going  
23 to offer for a proffer then.

24 THE COURT: Go ahead for those

1 purposes only.

2 Q If you'll finish your comment, Mr.  
3 Stanfill.

4 A He made a remark to me one time  
5 that his wife -- he couldn't work because  
6 -- he couldn't afford to make enough money  
7 to see after his family, his wife kind of  
8 treated him like one of the kids. He made  
9 that remark to me.

10 Q Did you have a chance to observe  
11 his moods, Jon's moods?

12 THE COURT: Are we still in the  
13 proffer?

14 MR. ELLIS: That's the end of the  
15 proffer, Your Honor.

16 THE COURT: Thank you. Next  
17 question.

18 Q Did you ever have a chance to  
19 observe Mr. Hall's moods? Let me ask it  
20 this way. Did you ever see Jon happy?

21 A All the time.

22 Q Did you ever see him upset?

23 A No.

24 Q Did you ever see him frustrated?

1 A Didn't seem to be. He and I got  
2 along fine.

3 MR. ELLIS: That's all I have, Your  
4 Honor.

5 THE COURT: Questions?

6 MR. EARLS: No, sir.

7 (WITNESS EXCUSED.)

8 MR. ELLIS: Your Honor, to  
9 accommodate, we're going to call Valene  
10 Foreman.

11 THE COURT: Okay. It's your  
12 pleasure.

13 VALENE FOREMAN was called and being  
14 first duly sworn, was examined and  
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. ELLIS:

18 Q For the record, please, would you  
19 state your name?

20 A Valene Foreman.

21 Q Ms. Foreman, where do you live?

22 A 480 Pleasant Hill Road, Lexington,  
23 Tennessee.

24 Q Do you know Jon Hall?



1 A Yes, I do.

2 Q How did you first meet Mr. Hall?

3 A Well, when they moved down there,  
4 my kid -- well, my daughter used to go  
5 down there all the time. The kids came up  
6 there, and he came up there when my father  
7 was living. That's how I met him.

8 Q And who is your father, ma'am?

9 A Herman McKinney.

10 Q And 480 Pleasant Hill Drive, I  
11 believe that's where you live?

12 A Yes.

13 Q How close is that to Mr. Hall's  
14 house?

15 A Well, right down the hill.

16 Q So you were practically neighbors?

17 A Neighbors, uh-huh.

18 Q And did you know his wife, Mrs.  
19 Billie Hall?

20 A Yes, I did.

21 Q Did you have a chance to see them  
22 together?

23 A Oh, yeah.

24 Q Did you interact with Mr. Hall?

1 And by interact, did you hang out, did you  
2 go over and talk or --

3 A Well, he would come over there and  
4 talk, you know, to my father.

5 Q And did you see them together?

6 A Well, I see them, you know,  
7 passing. Sometimes they, you know, down  
8 in the yard.

9 Q How about Mr. Hall? Did you ever  
10 see him just by himself?

11 A Well, yeah. Yeah, he come up there  
12 when my father was living. He'd come up  
13 there and talk, and the kids, he'd have  
14 them. They'd come up there.

15 Q Now your father is Herman McKinney.  
16 Correct?

17 A Yes.

18 Q Did he -- Is he still living?

19 A No, sir, he's dead.

20 Q When did he pass, ma'am?

21 A I can't exactly remember, but he's  
22 been dead quite a while.

23 Q Ms. Foreman, on the night that all  
24 these events took place, do you have

1 knowledge about a \$25 -- about \$25 that  
2 night?

3 A Yes. Well that evening he came by  
4 and gave me -- he asked me was my father  
5 there and I told him no, and he gave me --  
6 he said, "Will you give this to Herman,"  
7 \$25. He said he owed it to him. He said,  
8 tell him I'll give him the rest later.  
9 That's the only thing I know about \$25.

10 Q Did Mrs. Billie Hall work?

11 A Yeah, she worked for the -- I think  
12 the ambulance service. I think she told  
13 me that's who she worked for.

14 Q Who would babysit the kids while  
15 she was working?

16 A Most of the time he would have  
17 them, he'd be out there with them.

18 Q And would he provide for their  
19 needs?

20 A Far as I know he did.

21 Q And you never saw him -- Did you  
22 ever see him act out of the ordinary or --

23 A No. Far as I know he was always  
24 nice.

1 Q Ms. Foreman, did you ever talk to  
2 anybody from the police department?

3 A Let's see.

4 Q About the events of that night.

5 A No, I don't think so.

6 Q Did you ever talk with any defense  
7 counsel?

8 A Two ladies came up there one Sunday  
9 and asked me, you know. That's the only  
10 thing.

11 Q When was that? Would it be this  
12 lady right here?

13 A Yeah, uh-huh.

14 Q And before she talked to you, did  
15 anybody else talk to you about this case?

16 A No.

17 Q Do you know if anybody talked to  
18 your father about this case?

19 A Might have did. I can't answer for  
20 my father.

21 Q Okay. But to your knowledge, you  
22 don't think they did.

23 A I don't think they did.

24 MR. ELLIS: Your Honor, that's all

1 I have. Pass the witness.

2 MR. EARLS: No questions.

3 (WITNESS EXCUSED.)

4 THE COURT: Next witness.

5 MR. ELLIS: Your Honor, if we could  
6 approach. This is a copy of the subpoena  
7 of Herman McKinney. Just pass this to the  
8 court reporter to be marked. Your Honor,  
9 this is a subpoena of Mr. Herman McKinney.  
10 It shows that he's deceased. We just  
11 wanted you to take judicial notice that he  
12 was deceased.

13 THE COURT: Do you want to have it  
14 marked as Exhibit 4?

15 MR. ELLIS: Yes, Your Honor.

16 (Exhibit 4 was marked  
17 and entered.)

18 PAULA FOREMAN was called and being  
19 first duly sworn, was examined and  
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MR. ELLIS:

23 Q For the record, Ms. Foreman, would  
24 you please state your name for the Court?

1 A Paula Foreman.  
2 Q Ms. Foreman, where do you live?  
3 A French's Trailer Park, Number 13.  
4 Q Where did you live on the night in  
5 question when all these events took place?  
6 A When all that took place?  
7 Q Yes, ma'am.  
8 A I was living at French's Trailer  
9 Park, Trailer 13.  
10 Q Ma'am, did you ever live at 480  
11 Pleasant Hill Drive?  
12 A Yes.  
13 Q When did you live there?  
14 A About six or seven years ago.  
15 Q Did you stay there a lot while you  
16 were at this other place, too?  
17 A Yeah, occasionally.  
18 Q Who lives there?  
19 A Now?  
20 Q Yes. Well who lived there then?  
21 A My brother and my mother and my  
22 granddaddy and my sister.  
23 Q So you would go back to visit  
24 family?

1 A Uh-huh.

2 Q Spend the night?

3 A Yeah.

4 Q Do you know Mr. Jon Hall?

5 A Yes, I do.

6 Q How do you know Mr. Hall?

7 A I used to babysit off and on.

8 Q Did you ever -- You babysitted his

9 children?

10 A Uh-huh.

11 Q Did you ever have a chance to

12 interact with Mr. Hall?

13 A No.

14 Q You never talked to him?

15 A About?

16 Q Just the weather or anything. Did

17 you ever talk to him?

18 A Yeah.

19 Q Did you ever meet his wife, Billie

20 Hall?

21 A Yeah.

22 Q Did you ever see them together?

23 A Yeah.

24 Q Did you ever talk to them together?

1 A Yes, sometimes.  
2 Q Did you ever -- Do you know if  
3 Billie worked?  
4 A No, but he would work on cars  
5 sometimes.  
6 Q "He" being Jon Hall?  
7 A Uh-huh.  
8 Q Do you know if his wife worked?  
9 A Yes.  
10 Q When she worked, who would take  
11 care of the kids?  
12 A Him or sometimes me. I would  
13 babysit.  
14 Q How did Jon treat you?  
15 A Good.  
16 Q Was he nice to you?  
17 A Uh-huh.  
18 Q Why would you babysit the kids  
19 sometimes?  
20 A Why would I?  
21 Q Yes, ma'am.  
22 A Because I needed a job and I wasn't  
23 doing anything else, so ...  
24 Q And he'd try to help you out?



1 A Yeah.

2 Q Give you a little extra cash?

3 A Yeah.

4 Q Do you know if Mr. Hall drank?

5 A Sometimes beer.

6 Q Did you ever watch him drink?

7 A Yeah, sometimes.

8 Q Did you ever watch him take care of

9 his kids?

10 A Yeah.

11 Q How would you characterize him?

12 Did he provide the essentials?

13 A Yeah, he was good at taking care of

14 the kids.

15 Q Did the kids interact well with

16 him?

17 A Uh-huh.

18 Q Did they like him?

19 A Yes.

20 Q And he liked his kids?

21 A Uh-huh.

22 MR. ELLIS: Your Honor, I have

23 nothing further.

24 THE COURT: Questions?

1 MR. EARLS: No questions.

2 (WITNESS EXCUSED.)

3 END OF VOLUME I.

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